

# Bicentennial Plot

A scheme exists to "turn the founders upside down"

America is gearing up for the Bicentennial of the U.S. Constitution. From May 25th until September 17th of 1987, appropriate celebrations will mark the 200th anniversary of the Constitutional Convention that met in Philadelphia. Then will come the bicentennial dates for each of the ratifying state conventions. Other important events to be commemorated include the election of George Washington as our first President, the convening of the first Congress, and the ratification of the Bill of Rights to the U.S. Constitution. The last of these commemorations will occur on December 15, 1991, making our constitutional bicentennial a four-year tribute.

The tribute that is paid, however, may consist of something other than to the principles embodied in the Constitution; it may instead be a repudiation.

The founding principles of the Republic may be cast aside because there are powerful forces at work bent on changing our form of government. For many decades these same forces have helped to move America away from constitutional limitations toward an all-powerful state. They now hope to formalize radical changes that have already been taking place by rewriting the Constitution.

These entrenched powers are planning to use the occasion of the Constitution's bicentennial for a "reappraisal" of our nation's governmental system. And the radical changes that they recommend, as

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**Will we pass an undiluted U.S. Constitution to our children?**

their "tribute" to the Founders, will be portrayed as reforms needed to modernize the Constitution and make government more efficient.

Fantastic? Not at all. In his 1984 book *The Power To Lead*, Professor James MacGregor Burns made this appraisal of our constitutional system: "Let us face reality. The framers [of the Constitution] have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to 'turn the founders upside down' — to put together what they put asunder — we must directly confront the constitutional structure they erected."

Burns is co-chairman of Project '87 (read: 1987). According to its literature, this prestigious private group is "dedicated to commemorating the Bicentennial of the United States Constitution by promoting public understanding and appraisal of this unique document." (Emphasis added.) Project '87 claims not to take positions on changing the Constitution. But that disclaimer hardly allays concern over what direction the group's "appraisal" of the Constitution is likely to take with Burns as co-chairman.

He is also a member of the board of directors of the Committee on the Constitutional System, another prestigious private group. The CCS was established for what it calls "a candid assessment" of our constitutional system. Unlike Project '87, however, this group is anxious to offer specific changes.

Changes to the Constitution can be made two ways: by the amendment process used for the last 200 years, or by a new constitutional convention. Under the present drive for a balanced-budget amendment, an unprecedented second constitutional convention could be called during the bicentennial era. Should this occur, the second convention could far exceed what balanced-budget proponents intend. It could be used, in fact, to write a new constitution, which is exactly what happened at the original convention of 1787. Only this time, instead of a dream coming true, the result could be a nightmare.

Without understanding our unique legacy of freedom, one cannot fully grasp the extent to which seemingly reasonable "reforms" — proposed by the Committee on the Constitutional System and by others — could repudiate the founding principles of our Republic. Nor can one properly realize how a second constitutional convention — portrayed as an innocent re-enactment of the first — could be used for that end.

## The Founding Era

Signed on July 4, 1776, the Declaration of Independence proclaimed: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, de-

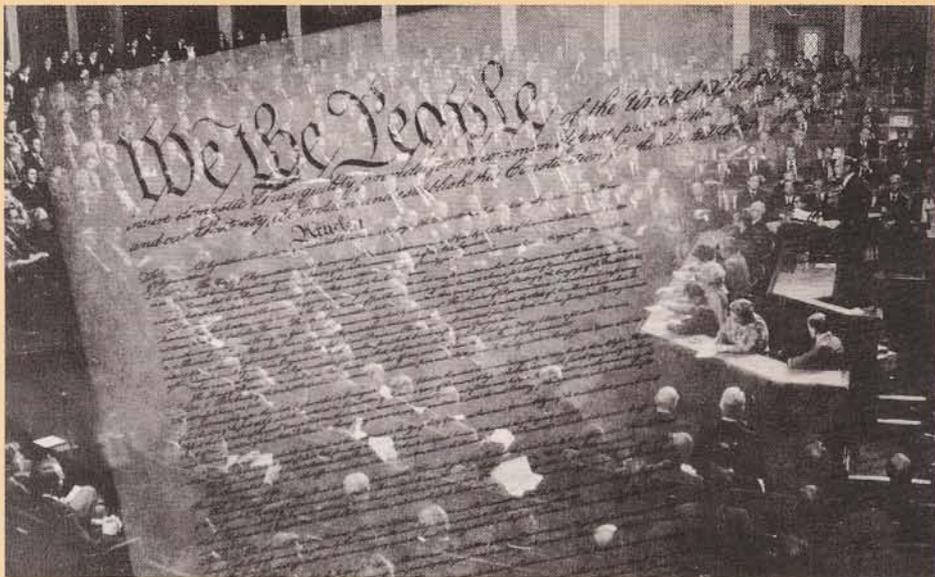
giving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles . . . .”

That foundation for that new government based “on such Principles” was originally the Articles of Confederation. They were approved by the Congress after more than a year of debate. After ratification by every one of the newly independent thirteen United States, they became the supreme law of the land on March 1, 1781.

The Articles of Confederation created a “perpetual Union between the states” known as “The United States of America.” Under this confederacy, each state retained “its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States . . . .” Also, “the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.”

Although the basic principles embodied in the Declaration of Independence have endured, that original constitution, the Articles of Confederation did not. It was short-lived because it failed to create sufficient order for the new union of states. The Articles were not inviolably observed by the states, nor was the union under their confederation perpetual.

When the states under this confederation began deliberations to remedy the defects in the Articles, they were at first primarily concerned with problems in the areas of trade and commerce. One such problem was a dispute between Maryland and Virginia over navigation rights on the Potomac River. In March 1785, George Washington, hoping that this dispute could be resolved through discussion, hosted a meeting of delegates from Maryland and Virginia at his home. Gathering at this Mount Vernon Conference, the delegates recommended that the two states meet annually “for keeping up harmony in the commercial relations” between them. Maryland’s delegates in approving this also decided to



invite to the annual meetings delegates from two other neighboring states, Delaware and Pennsylvania. Virginia, however, recommended a meeting of all the states “to take into consideration the trade of the United States . . . .” This led to the Annapolis Convention, which in turn set the stage for the Philadelphia Convention that drafted the Constitution.

Held in September of 1786, the Annapolis Convention was attended by delegates representing only five of the states. Because of the poor representation, the delegates decided not to proceed on what they called “the business of their mission.” Instead, they suggested that “the power of regulating trade is of such comprehensive extent, and will enter so far into the general System of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal System.” They therefore recommended a meeting of the states that could consider not only trade, but “such further provisions as shall appear to them necessary to render the constitution adequate to the exigencies of the Union . . . .”

After evaluating the Annapolis Convention, the Continental Congress proposed that “a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation . . . .” Although the scope of this meeting was to be broader than that of Annapolis, it was

still limited to proposing amendments to the Articles of Confederation.

The Philadelphia Convention opened on May 25, 1787, when a quorum of delegates representing a majority of the states had arrived. Eventually, a total of 55 delegates representing all of the states except Rhode Island participated.

The convention met behind closed doors for some four months. Secrecy was employed to allow for candid discussion and to make it easier for delegates to change their positions based upon the rightness and wrongness of each position debated, not on political considerations.

On June 19th, after debating various proposals, the delegates decided not to amend the Articles of Confederation, but to devise a new national government. From that point on, the assembly worked in violation of its own mandate. On September 17th, 39 of the 42 delegates who were present, representing all twelve state delegations, signed the new Constitution. After the Continental Congress received the proposed Constitution, some representatives sought to censure the constitutional convention for failing to abide by its mandate that allowed merely for revisions of the Articles of Confederation. Those favoring censure, however, were not in the majority. On September 28th, Congress resolved to submit the Constitution to special state conventions for ratification. All thirteen of the original states ratified it, the last to do so being Rhode Island on May 29, 1790. But the Continental Congress, on September 13, 1788, had already proclaimed the Constitution rati-

fied by the required nine states and ordered the new government to convene on March 4, 1789.

The Constitution, therefore, was the product of a runaway convention overstepping its authority. Nevertheless, the product was a blessing if not a miracle.

George Washington said of the event that it was "in the hand of God." At a critical point during the convention debate, when some nearly despaired of ever reaching any agreement, Benjamin Franklin, the oldest of the delegates, observed, "In the beginning of the Contest with Great Britain when we were sensible of the danger we had daily prayer in this room for the divine protection. — Our prayers, Sir, were heard, and they were graciously answered. . . . And have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth — *that God Governs in the affairs of men*. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?" (Emphasis in the original.)

That America did rise from a backward wilderness nation to become the envy of the collectivist old world is now fact. That God shed his Grace on this development is based on faith, but it is a faith held in common by all Americanists.

### The Founding Principles

The Constitution provided for a stronger federal government than had existed under the Articles of Confederation. But under the Constitution, as under the Articles, the federal government was still strictly limited to specified powers that were delegated to it. To assure that the federal government would not overstep carefully crafted boundaries, the Founders methodically interwove into the Constitution a system of checks and balances that included:

- Dividing governmental powers between the national government and the autonomous state governments. This arrangement was unique in history and became known as Federalism.

- Granting only certain powers to the national government; while protecting the individual rights from infringement by any force, whether it be by government — foreign or domestic — or by the people themselves using the dictates of

a collective majority. This system of government is known as a Constitutional Republic. It is not a democracy, a system in which majority rule is unrestrained.

- And, separating the limited powers of the national government into three branches: Executive, Legislative, and Judicial. The Legislature was further divided into two chambers, the Senate and the House of Representatives.

By defining the specific powers of the new federal government, the Founders limited that body to its correct role of protecting God-given rights. By dividing those limited powers among the branches of government, the Founders denied to the national government a means to overstep its proper bounds and become tyrannical.

The Constitution that the Founders so carefully crafted gave us something extraordinary: a government of law and not of men. Under such law, the God-given rights of the individual are sovereign and immutable. They may not be violated by government, no matter how compelling the reasons to do so may seem. Neither may the majority do so, acting through their government for some supposed "greater good." The majority can conceivably demand a new law that infringes upon a God-given right, but Congress may not properly enact such an unconstitutional law. If Congress did overstep its authority, the Judicial Branch was empowered to nullify the act, to declare an improper law "unconstitutional." These limitations on the will of the people hold true no matter how large a majority may want otherwise.

For instance, the First Amendment of the Bill of Rights states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." And the Tenth Amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Under the Constitution, even a minority of one is protected from the desires of the majority acting through government.

Such principles were not embodied in the Declaration of Independence and Constitution by accident. But the out-

come could have been very different. The War for Independence could have ended in repudiation of rights, as was the case with the French Revolution. America's experience was different, however, because it was blessed with the rarest of leaders who had faith, wisdom and character: the faith to recognize that rights come from God; the wisdom to understand that the proper role of government is simply to protect God-given rights; and the character to fashion a government based upon such principles.

But, the American people have gradually lost sight of our nation's founding principles. Their collective blindness has enabled a relative handful of individuals who seek an all-powerful state to increase the size of government in the name of the majority. Thus, the federal government has increasingly assumed vast powers beyond those specifically delegated to it by the Constitution, to the extent that it now claims the right and the responsibility to regulate the nation's economy and provide for the material welfare of the people. Gradually, America is becoming like the despotic Old World from which the Founders declared their independence. Just as the founding of the Republic did not happen by accident, neither has our continuing slide backward toward despotism.

### Declaration Challenged

On July 4, 1976, our nation celebrated its first major bicentennial event, the 200th anniversary of the signing of the Declaration of Independence. Less than a year before, on United Nations Day, October 24, 1975, the World Affairs Council of Philadelphia set its subversive sights on the approaching commemoration by unveiling a mockery of this great American document: "A Declaration of INTERdependence."

Virtually calling for the repudiation of the Declaration of Independence, the "INTERdependence" document proclaims, "Two centuries ago our forefathers brought forth a new nation; now we must join with others to bring forth a new world order." It claims that mankind must "free itself from the limitations of national prejudice," and that Americans have "a moral obligation to strive for a more prudent and more equitable sharing of the resources of the earth . . ." Simply stated, America's resources should no longer be ours but the

property of all the peoples of the world.

"A Declaration of INTERdependence" calls for "the immediate reduction and eventual elimination" of nuclear, chemical, and biological weapons "under international supervision" and the placement of the "processes of production and monetary systems" under "regulation by international authorities." So that these goals may be reached, it supports the strengthening of "the United Nations and its specialized agencies, and other institutions of world order. . . ."

Any thinking American familiar with this document would condemn it — or so one would think. On January 30, 1976 (the bicentennial year of our nation's independence), a delegation of U.S. Congressmen, representing 124 senators and representatives who had already formally endorsed the document, journeyed to Philadelphia, birthplace of our nation's independence, to publicize the "Declaration of INTERdependence." Regardless of whether or not they understood the true significance of their action, these Congressmen, in effect, endorsed the abolition of the very Constitution to which they had sworn allegiance. (Alert citizens were able to make this document very controversial by publicizing its thrust. Several Congressional endorsers eventually withdrew their support.)

The principles of the Declaration of Independence and those of the "Declaration of INTERdependence" are totally incompatible. Yet, the bicentennial celebration of our independence was used by interdependence advocates to make their subversive philosophy seem more palatable. And, in the same manner, those who seek to *formally* restructure our form of government view the Constitution's bicentennial era as a grand opportunity to carry out their plans.

### Constitution Challenged

The 1985 book *Reforming American Government: The Bicentennial Papers of the Committee on the Constitutional System* is described by its editor, Donald L. Robinson, as a "book of 'working papers'" for the CCS. In that regard, James MacGregor Burns's call to "turn the founders upside down" is offered in its pages. According to Robinson, the draft language of proposed "reforms" in the book "will enable citizens to begin the difficult but essential task of refining ideas into specific statutory or constitutional lan-



AP/WIDE WORLD PHOTO

### Professor James MacGregor Burns

guage." Taken as a whole, the conclusions of the book's forty working papers, together with the draft language of seventeen proposed reforms, stand in direct opposition to the basic principles of the Declaration of Independence and Constitution.

In *Reforming American Government*, the Committee on the Constitutional System has boldly put on paper specific constitutional language for the wholesale altering of our form of government. If Americans ignore these bicentennial proposals, examples of which are given below, they do so at their own peril.

*The Team Ticket:* "In any election for electors of president and vice-president and for senators and representatives, candidates . . . shall be required to run on a political party slate. . . . Each voter may cast a ballot for one such slate as an entirety, and votes cast separately for individual candidates shall not be counted."

Under this proposal, the independent candidate would be eliminated, and the party candidate who does not fit the mold of his party's chieftains would find it exceedingly more difficult to get elected. This procedure would be modeled after the European parliamentary system where voters cast ballots for the party, not the candidate of their choice.

*Bonus Seats:* "The political party whose candidate is elected president shall designate, as members of the House of Representatives, one person for every five congressional districts . . . [and] shall designate as senators of the United States one person for each state."

Thus, the total membership of the House would be expanded from 435 to 522 members, and the Senate from 100 to 150 members. One-sixth of all representatives and one-third of all senators would *not* be chosen by the voters. Instead, these additional legislators would be designated by the party whose candidate is elected President. This would virtually destroy the vital separation of powers between the executive and legislative branches. At the same time, it would create a virtual oligarchy, since the political party whose candidate is elected president would be able to dominate both the executive and legislative branches.

*One-House Override:* "Two-thirds of either house of Congress shall have power to present any bill, previously passed by that house and thereafter not passed by the other house within 120 days, to the president. . . . If the president signs the bill, it shall be a law."

Thus, the ability for one house of Congress to restrain the other, as can be done today, would be weakened.

*Ratification by Reduced Majority:* "The president shall have power to make treaties, provided three-fifths [sixty percent] of the Senate . . . [or] a majority of each house of Congress concurs."

Currently, two-thirds (sixty-seven percent) of the Senate must approve before a treaty is ratified. (The lower is completely excluded from the process.) This prudent constitutional provision — intended to insulate our nation's foreign affairs as much as possible from political pressures — had much to do with heading off U.S. involvement in the League of Nations, and ratification of the SALT II and Genocide Treaties. By weakening the check on the president's negotiations with foreign powers, the possibility of the U.S. entering into unwise treaties that compromise our sovereignty would be increased.

*Dissolution of the Government in Power:* The "president shall have power to issue a proclamation of no confidence in the Congress, and the Congress shall have power to adopt a resolution of no confidence in the president. . . . A proclamation or resolution of no confidence shall fix a date for the calling of special elections for the appointment of electors for president and vice-president, and for the offices of senator and member of the House of Representatives."

Should a president exercise his check on Congress or vice versa, the provisions of this proposal would enable either branch to dissolve the government in power and replace it with a new one formed through the calling of special elections. This would put in place an inherent threat against either branch freely exercising its will. Thus, the vital separation of powers would be eroded further, and the nation would move away from a government of law under the Constitution toward one in crisis similar to European parliamentary democracies.

### What the "Reforms" Mean

The "reforms" of the Committee on the Constitutional System would destroy the separation of powers built so skillfully into the Constitution, and they would move us toward the parliamentary system. Under that system, the party in power would be inordinately dominant because of its greatly increased control over both the executive and legislative branches. Rule by a political party that supposedly represents a majority of the electorate would prevail. But even in this regard, that all-important check of the people on their governing officials — the popular vote — would be dramatically weakened. All of which would violate our existing American system, under which fixed limitations designed to constrain dangerous governmental power and protect the God-given rights of the individual now prevail.

To borrow a phrase from James MacGregor Burns, adopting the CCS proposals would *turn the founders upside down*. It would formalize radical changes that have been taking place, and it would change our Constitutional Republic (rule by law) into a representative democracy (rule by majority).

If the Committee on the Constitutional System were only a few aging radicals from the campus disorders of the 1960s, its plans would not merit serious review. But it should be taken seriously because it has sufficient prestigious clout to influence what we do as a nation. *Reforming American Government* describes it as "a group of two hundred prominent citizens (among them present and former members of the Senate and House, Cabinet and White House staff, governors, party officials, members of academia, journalists, lawyers, and labor, business, and financial leaders)."



Zbigniew Brzezinski

The CCS is co-chaired by former presidential counsel Lloyd N. Cutler, former Treasury Secretary C. Douglas Dillon, and Senator Nancy Landon Kassebaum (R-KS). Cutler and Dillon happen to be members of the powerful Council on Foreign Relations, an elite private organization whose admitted purpose is to "shape American foreign policy" and "break new ground in . . . international issues." It has been dubbed by critics "the invisible government" of the United States. Fifteen of the 41 members of the CCS board of directors are also members of the Council on Foreign Relations. Financial support for the CCS has come from the Ford Foundation, the Brookings Institution, and the Rockefeller Foundation. The Ford and Rockefeller Foundations have also made grants for programs of Project '87.

The CCS has not yet endorsed any of the constitutional amendments that it is now considering. Nevertheless, the direction of its thinking is alien to the principles embodied in our Declaration of Independence and Constitution.

### A New Constitution?

Article V of the U.S. Constitution states, "The Congress, whenever two-thirds of both Houses of Congress 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 Congress." All told, 26 amendments have been added to the Constitution. Everyone one of these, including the Bill of Rights, was proposed by Congress and ratified by the states. With the exception of the original Constitutional Convention held in 1787, the convention method for amending the Constitution has never been used.

In his 1970 book *Between Two Ages*, Council on Foreign Relations member Zbigniew Brzezinski (National Security Advisor in the Carter Administration) discussed the potential for using a convention to bring about change. "The approaching two-hundredth anniversary of the Declaration of Independence," he stated, "could justify the call for a national constitutional convention to reexamine the nation's formal institutional framework. Either 1976 or 1989 — the two-hundredth anniversary of the Constitution — could serve as a suitable target date . . ." Ironically, just as the "Declaration of INTERdependence" was proposed for adoption in 1976 (Brzezinski's first target date), we now face the possibility of a new constitution based on the CCS "reforms" in 1989 (his other target date).

In 1978, two years following the Independence bicentennial, Supreme Court Chief Justice Warren Burger suggested a less formal reexamination: "It may seem premature to be thinking about the next significant bicentennial celebration in our national life, but our experience with the bicentennial of 1976 demonstrates the desirability of long advance planning. It is not too soon to turn our minds to the two-hundredth anniversary of the document signed in Philadelphia almost exactly 191 years ago. I submit that an appropriate way to do this will be to reexamine each of the three major articles of our organic law [for the three federal branches] and compare the functions as they have been performed in recent times with the functions contemplated in 1787 by the men at Philadelphia."

Perhaps these sentiments explain why Burger accepted the post of honorary chairman of Project '87. They may also explain why Burger maneuvered to get the chairmanship of the governmental Commission on the Bicentennial of the

United States Constitution. On April 18, 1985, more than two months before the President appointed Chief Justice Burger to this position, a government official who predicted this development told the press that Burger "wanted this commission to amount to something and become institutionally important, particularly at a time when it seems possible that we might have a new constitutional convention."

### A New Constitutional Convention?

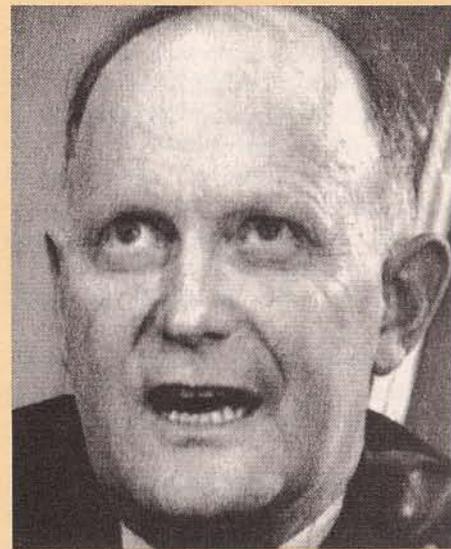
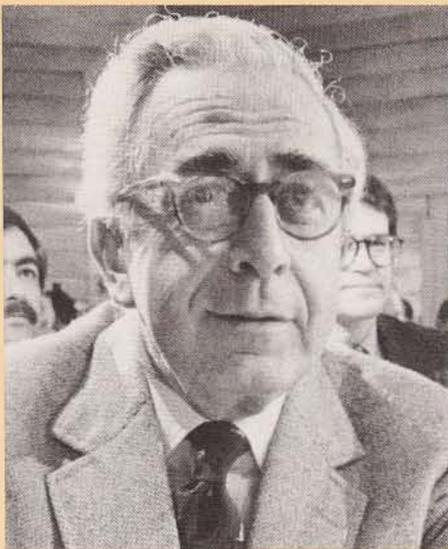
Since 1975, 32 states have petitioned Congress to call a constitutional convention for the purpose of drafting a balanced-budget amendment. If two more states submit petitions, the second constitutional convention in our nation's history must be held. At best, such a convention would result in a constitutional crisis followed by a proposed balanced-budget amendment. At worst, the result would be constitutional crisis followed by a proposed new constitution, one possibly based on the CCS "reforms."

Most advocating a constitutional convention to mandate a balanced federal budget do not advocate a new constitution. Their good intentions, however, do not lessen the dangers of either an out-of-control convention or one that is managed to suit the purposes pursued by the CCS. Americans should *oppose* the convention call for two main reasons.

1. *Runaway Convention*: There is no constitutional provision that limits the scope of a convention. Should one be called, there is no telling what it could produce. It could write a new constitution instead of, or in addition to, writing a balanced-budget amendment. Indeed, fear of what a second convention might do is a major reason why the convention route has never again been followed.

The first Constitutional Convention established the precedent for a runaway convention. There is sharp disagreement among constitutional and legal scholars about whether Congress has the constitutional authority to limit the scope of a convention. In the event that one is called, this divergence of opinion would result in a divisive confrontation.

Another debated question is whether states have the constitutional authority to limit the scope of a constitutional convention in their petitions calling for a convention. For instance, Duke Law School professor Walter Dellinger stated



Lloyd N. Cutler (Left) and C. Douglas Dillon are among the CFR members

in his article "The Recurring Question of the 'Limited' Constitutional Convention," published by the *Yale Law Journal* in 1979: "In order to satisfy the various objections of the [Constitution's] framers, a Convention must be free to define for itself the subject matter it will address; the state legislators may call for such a Convention, but they should not be permitted to control it."

Last November, when the Michigan legislature rejected a constitutional convention resolution that also contained a proposal to limit its scope, the argument that the safeguards could not be a guarantee against a runaway convention prevailed over the claim that the convention could be limited. State Senator Jack Faxon summed it up well when he stated, "Constitutional conventions are, by their very self-definition, sovereign bodies." We know what such a body *could* do if it is convened, but nobody knows for sure what it *would* do.

If a constitutional convention does submit "reforms" that would alter our form of government, the state legislatures may not have the opportunity to reject them. Congress may decide instead to submit the "reforms" to special state conventions for ratification, as was the case with the ratification of our present Constitution. Also, the delegate selection process for either the national constitutional convention or the state conventions has not been determined.

2. *Balanced-budget Amendment*: Even if a constitutional convention concerned itself with nothing more than drafting a balanced-budget amendment,

the adoption of this amendment would not end inflation or cut taxes, the two major reasons why strong support for such an amendment has developed.

Inflation is an increase in the supply of money and credit. Balancing a yearly federal budget would mean that the federal government would not produce any deficit for that particular year. But it still would have to contend with whatever yearly deficits arise from "off-budget" programs. If the federal government finances debt by increasing the supply of money and credit, this of course would be inflation.

Nor would a balanced-budget amendment necessarily cut taxes, since the budget could be balanced by raising taxes just as well as by cutting spending. In all probability, a balanced-budget amendment would cause the politicians to do both. It could also cause them to move more spending items "off-budget" in order to circumvent the intent of the amendment. The only solution to inflation is to end the practice of increasing the supply of money and credit. Likewise, the only solution to the high cost of government is to cut its size. Admittedly, a balanced-budget amendment may increase the pressure to implement these solutions, but it does not supply the solution itself.

A law was already passed, in 1979, requiring a balanced federal budget as of fiscal year 1981 (P.L. 95-435). But it has been completely ignored. More recently, as part of the bill to push the national debt limit over the \$2 trillion plateau, Congress passed, and the President

signed, legislation to require a balanced federal budget by fiscal 1991. Whether or not this law will also be ignored remains to be seen. Even if our lawmakers do adopt a balanced budget required by law, this does not necessarily guarantee that the budget would be balanced. A budget is only a forecast! Because future spending and revenue cannot be predicted exactly and future events cannot be foreseen, a budget that is balanced on paper at the beginning of the fiscal year may not be balanced at the end of that year.

The growing deficit crisis exists because the Constitution is treated as if it does not exist. The solution to the crisis is to adhere to the Constitution. Until that is done, a constitutional amendment to balance the budget could be ignored just as easily as have been other constitutional provisions. If the federal government had been operating within the limits of the Constitution, there would be no need even to contemplate a balanced-budget amendment as there would be no serious deficit crisis to resolve.

After the Bill of Rights, the large majority of amendments added to the Constitution have not strengthened our Republic — they have weakened it. Except for stripping it of those damaging amendments, our Constitution needs no repair. What is in need of repair is the lack of understanding of the principles embodied in the Constitution and of the will to put those principles into practice.

A constitutional amendment to balance the federal budget is a misguided plan for two reasons: It may lead to far more than a balanced-budget amendment; and if it does produce such an amendment, there is no assurance of an end to the deficit crisis. The real issue is the integrity of the Constitution.

### **Political Alignment: On the "Right"**

There are many conservatives who advocate a constitutional convention in the sincere belief that it can be limited to proposing a balanced-budget amendment and that this amendment would restore fiscal sanity in Washington. There are other so-called "conservatives," however, who would alter our form of government. One of these is Kevin Phillips, president of the American Political Research Corporation, who is also on the board of directors of the Committee on the Constitutional System.

In *Reforming American Government*, Phillips is described as "a conservative commentator." His article, "An American Parliament," another of the book's working papers, states:

The dubious doctrine of 'American exceptionalism' — based on the idea that this country is unique, or that God takes care of babies, drunks, and the United States of America — is a misconception that may soon prove fatal. The notion springs from many sources, among them the belief that we are blessed with a peerless Constitution and brilliantly structured political system, designed for the ages in the candlelight of 1787. Yet, the United States' success in coping with the 1980s may depend on the speed and intelligence with which we can transform a number of obsolescent, even crippling, political institutions, mechanisms, and relationships. Conservatives, by tradition partisans of the status quo, may find themselves taking the reformist lead. . . .

Effective reform of the federal government would be best served by a quasi-parliamentary transition. . . .

Implement Lloyd Cutler's idea of having national and congressional candidates run together on a quasi-parliamentary ticket, and metropolitan Houston, Dallas, Tulsa, Shreveport, Jacksonville, Palm Beach, Charleston, Winston-Salem, and a dozen other cities would immediately shift to a conservative coalition representation. . . .

The political irony . . . is that aging liberals are no longer the innovators, but the Bourbons and Hapsburgs of contemporary institutional failure. Theirs are the palaces under attack, and the restless crowds beginning to throw rocks into the Tuileries are populist conservatives of a sort. The challenge of the 1980s is that conservatives may find themselves obliged to preside, not over a traditional electoral realignment, but over a critical restructuring of U.S. political institutions.

Apparently, Phillips believes it is perfectly acceptable to move away from a

Constitutional Republic toward a parliamentary democracy, as long as "conservatives" and not "liberals" engineer the transition. The problem here is that the nature of man does not change, whether the opportunity for mischief is provided by those who call themselves "conservative" or by those who admit to being liberal. Also, it would be no less wrong to give power to a conservative majority (or their representatives) than it would be to give it to a liberal countertforce. Whether he describes himself as conservative or liberal, the populist — one who believes in adherence to the popular will — does not understand this. But the Americanist — one who believes in America's founding principles — does understand.

The populist supports democracy; the Americanist supports our Constitutional Republic. The populist preaches that he should be allowed to carry out the popular will without restraint; the Americanist recognizes that no one should be allowed the power to violate the God-given rights of the individual. For he realizes that it would be better to have scoundrels in Washington who are kept away from mischief by the limiting features of our Constitution than it would be to have well-intentioned men with the power to implement their agenda in the name of the majority. The populist wants to act in the name of the majority; the Americanist wants men to act for themselves. The populist tries to win elections so that he will acquire power; the Americanist who seeks election wants to preserve our Constitutional Republic so that no man will have power over another.

"Conservative" and liberal populists who seek to "reform" our system of government so that *they* can lead without restraint are supporting the same goal. Should they succeed, it will make no difference if the clique in power represents a conservative or a liberal majority, or if the growing power of government swings back and forth between these two constituencies as governments are dissolved and formed. Our fate in either case would be the worst tyranny of all: *the tyranny of the majority*.

### **And on the Left**

Many liberals believe that a balanced-budget amendment would curtail the spending programs they advocate, and that a constitutional convention would

result in a balanced-budget amendment. But others on the Left, would try to use a "balanced-budget" convention to alter our form of government.

The preface to *Reforming American Government* states that, of the two methods available for amending the Constitution, "most members of the Committee would far prefer to proceed by the traditional method." Perhaps. But in one of the book's working papers, CCS co-chairman Lloyd Cutler said, "if the pending call for a constitutional convention to propose a 'balance the budget' amendment is joined by the two additional states needed to provide the triggering two-thirds . . . our committee may be ready with some better ideas."

And CCS coordinator Peter Schauffer suggested at a Washington news confer-

I doubt that Americans under normal conditions could agree on the package of radical and 'alien' constitutional changes that would be required. They would do so, I think, only during and following a stupendous national crisis and political failure . . .

Major changes in process and structure will not be brought about by spontaneous action on the part of the mass public. . . . Changes will be brought about by leadership, as in the drafting and adoption of the Constitution of 1787. But today such changes will not be allowed to remain in the hands of a small set of elites, like the fifty-five men who drew up the Constitution. The second and third cadres of American leadership must be fully involved. . . .

Do we have a third-cadre leadership of similar intellectual power and creativity today? *The answer can be found in the civic and religious groups, in the local Leagues of Women Voters and local bar associations, in the unions and Chambers of Commerce, in the professional organizations, in the schools and colleges and universities of America.* (Emphasis added.)

Will the federal government's debt prove to be enough of a crisis to convince Americans that major "reforms" in their government are needed? Will these "reforms" be sold to Americans on the promise that they will make the government more "efficient," thereby alleviating the debt crisis? Will a constitutional convention for proposing a balanced-budget amendment be used for this broader purpose? After all, the architects of a new constitution could argue that the budget cannot be balanced, and fiscal sanity cannot be restored, unless the needed structural changes are made. (When the Annapolis Convention met in 1786 to resolve the trade crisis, its delegates were of the opinion that the resolution of the crisis "may require a correspondent

adjustment of the other parts of the Federal System.")

If a convention is used for the purpose of writing a new constitution based on CCS "reforms," will the new constitution be submitted to special state conventions instead of the state legislatures for ratification? (The original constitution was submitted to conventions.) If the new constitution is submitted to conventions, will the ratification process of our original Constitution be used as a precedent? Also, will these special state conventions be filled with a cadre of leadership of the type that James MacGregor Burns described — one supportive of moves to turn the founders upside down?

If a national constitutional convention followed by state conventions were held during the constitutional bicentennial period of 1987 through 1991, would the spirit of the bicentennial make the whole process of "reforming" American government more palatable to Americans? Would the windows of a new constitutional convention be boarded up in the figurative sense? (Windows were literally boarded up at the original constitutional convention.) And could it be that Warren Burger's decision to hold meetings of the present bicentennial commission *behind closed doors* — citing the precedent of the original constitutional convention — mean that he has a future constitutional convention in mind? Indeed, will history repeat itself during the bicentennial era — only this time, taking a turn for the worse?

We do not know the answers to these questions. But we do know powerful forces are at work bent on destroying our form of government. Regardless of whether these forces are actually working to bring about a constitutional convention, they will try to use such a convention for their own purposes.

The solution is education. If enough Americans understood Americanist principles, no force on earth would be able to trick them into surrendering their birthright. Not during the constitutional bicentennial — not ever. ■

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***If a constitutional convention is called, very powerful forces will use it for their own purposes.***

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ence last year that, should a convention be called, his group would be ready with a "package of carefully structured amendments to put on the agenda of such a convention."

Thus, CCS members claim to oppose a constitutional convention, but they are prepared to use it for their own purposes. At such a convention, the "reformers" would enjoy the best of two worlds: they could blame the constitutional crisis caused by the convention on the "conservatives" who called for it, and they then could "rescue" the American people from this crisis by submitting their own agenda. Because of the benefits to their cause, we cannot help wondering if some CCS "reformists" claiming to oppose a constitutional convention are actually harboring a hidden hope that one will materialize.

#### **How It Adds Up**

Radical changes that are politically unattainable during normal times may be attainable during times of crisis. In a *Reforming American Government* working paper, James MacGregor ("turn the founders upside down") Burns brazenly admitted this, stating: