PS1 for 9/3/87#A CONSTITUTIONAL CONVENTION IS NOT THE WAY

Despite the obvious lack of public support for calling a new Constitutional Convention, even for such a popular purpose as proposing a Balanced Budget Amendment, a few leading conservatives keep pushing this dangerous idea. It is dangerous because there are no guidelines or rules for such a convention, and we have no sure way of limiting the mischief such a convention might get into.

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 (BF)San Francisco Chronicle(end BF). 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.''

The conservatives who advocate a new Constitutional Convention try to deny that bad things would happen at a Constitutional Convention, but of course they cannot guarantee that. They try to allay our fears by saying, ""Congress is a continuing constitutional convention all the time anyway, and Congress could now propose any of the mischievous changes that some people are afraid a Constitutional Convention might make.''

That is the silliest argument the Convention advocates have come

up with yet. Contrary to their argument, there are in fact six fundamental differences between actions by Congress and actions by a Constitutional Convention, any one of which serves to prevent Congress from doing the far-out things that a Constitutional Convention could do.

1. Congress must muster a two-thirds majority in each House in order to propose any constitutional change. No one knows whether or not this would be true of a Constitutional Convention, because nobody knows what the rules will be until a Convention convenes.

2. Any action by Congress must pass (BF)both(end BF) Houses. Congress is forever tied in to the Great Compromise of 1787 between the big-population states and the small-population states, which resulted in the House of Representatives based on population, and the Senate with an equal vote for each state. Since a Constitutional Convention would not have two Houses, the big-population states would control the Convention and the small-population states would be practically irrelevant.

3. Congress is bound by Article VI of our present Constitution which requires every member to take an oath to support our present Constitution. Members of a Constitutional Convention are exempt from this requirement, and would therefore be free (like the 1787 Convention) to throw out our present Constitution and start from scratch with a completely new document.

4. Members of Congress must run for reelection and therefore have some accountability to the voters. Members of a Constitutional Convention will never run for reelection, so they are as free from accountability to the voters as the life-tenured federal judges whose activism has caused our nation so many problems.

5. We know for sure that any constitutional change voted out by Congress will not go into 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 any action voted by a Constitutional Convention. If a Constitutional Convention can change other portions of the Constitution, it obviously can change 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%).

6. Since the 535 Members of Congress have many duties and concerns, including handling of thousands of pieces of legislation and thousands of requests from constituents, they have only limited time and staff to devote to the task of changing the Constitution. Since the members of a Constitutional Convention would be assembled and paid for the sole purpose of changing the Constitution, the members would devote 100% of their time to that task and the Convention would take on a life of its own.

James Madison 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.'' So do I, despite the good intentions of the conservatives who are plunging headlong into the ambush where they are eagerly awaited by the likes of Gore Vidal.