

Will 'reformers' tear up the U.S. Constitution in 1984?

by Sanford Roberts

On Sept. 1 of this year, the *Washington Post* reported on a little noticed but extremely dangerous threat to the security of the nation. According to the *Post*, the movement to convene a Second Constitutional Convention is just two states shy of the two-thirds necessary to mandate the Congress to call such a convention to order. It is expected that Michigan and Montana will pass the convention call by early next year.

The ostensible leaders of the Constitutional Convention drive are a cluster of tax-resister organizations nominally directed by the National Taxpayers Union. Upon closer inspection, these elements are found to be principally aligned with the treacherous Heritage Foundation, a "conservative" think-tank created and largely manned by British intelligence—and provably infested with KGB "moles." On the "liberal" side, predictably converging with such "conservatives," is the "Project 87" campaign to wholly rewrite the U.S. Constitution (by 1987), sponsored by the Kennedy family, Averell Harriman, and the latter's wife Pamela Churchill, mother of Winston Churchill III.

While the alleged purpose of the convention is to consider a balanced-budget amendment to the Constitution, once in session, there is no impediment to the consideration and adoption of other amendments as well. A balanced budget amendment is ridiculous economics and, specifically, a threat to American national defense which the Kremlin would welcome. But the real powers behind the drive to convene a constitutional convention are on public record favoring something much more dramatic: dissolution of the American democratic republic itself, in favor of a "parliamentary system" like Great Britain's, whose predictably unstable character would quickly lead to dictatorial rule-by-decree, i.e., "emergency government." This emergency government would be used to loot the American people, to rape what remains of American industry and agriculture on behalf of the oligarchical financier families of our Eastern Establishment (and Britain's).

For those who doubt, we refer to the 1975 publication of the Rockefeller/Kissinger Trilateral Commission, *The Crisis of Democracy*, or, *Report on the Governability of Democracies*. It states: "We have come to recognize that there are potentially desirable limits to economic growth. There are also potentially desirable limits to the indefinite extension of political democracy. . . . A government which lacks author-

ity . . . will have little ability, short of a cataclysmic crisis, to impose on its people the sacrifices which may be necessary."

By no accident, we find Trilateraloids such as Lloyd Cutler, former counsel to Jimmy Carter, in the forefront of the drive to convene a constitutional convention.

The scenario

Under Article V, the Constitution can be amended by two distinct and different methods. The first one, used for the passage of every amendment in the nation's constitutional history, is initiated by Congressional Act. This Act of Congress must then be ratified by two-thirds of the states. As in the case of the late and unlamented Equal Rights Amendment, a Congressional Act must be passed by the states within a fixed time period, or it expires.

The alternative method provided by Article V permits the various state legislatures to initiate the process, by calling for a constitutional convention to consider "amendments" (the plural is critical here) to the Federal Constitution. When the number of state legislatures reaches the two-thirds threshold, Congress "shall" bring such a convention into existence. This is the scenario which contains the seeds of destruction of the republic.

Just four years ago, the counsel to the President of the United States (Carter), Lloyd Cutler, called for scrapping the Constitution in favor of the British parliamentary model. Writing in *Foreign Affairs*, the house journal of the Council on Foreign Relations, Cutler stated: "A particular shortcoming in need of remedy is the structural inability of our government to propose, legislate, and administer a balanced program for governing. In parliamentary terms, one might say that under the U.S. Constitution it is not now feasible to 'form a government.' The separation of powers between the legislative and executive branches, whatever its merits in 1793, has become a structure that almost guarantees stalemate today." Cutler proposes the integration of Executive and Legislative branches, i.e., a parliament.

The separation of powers principle was also deplored in 1980 by another prominent member of the Eastern Establishment, investment banker C. Douglas Dillon. Dillon claimed, "We must learn to accustom ourselves to a new world, a world in which actions taken by others can have rapid and serious effects on our economy and on our standards of liv-

ing, a world in which others have the military means to destroy our nation whenever they are prepared to accept consequences. I very much doubt that in such a world we can long afford the luxury of the division of power and responsibility between our Executive and Legislative branches of government. . . .”

What would result from the destruction of constitutional separation of powers? The British parliamentary theorists propose an Executive which is ultimately subservient to the Legislative branch. This would throw us back to a pre-1787 weak Executive, precisely what the Constitution of 1787 was designed to overcome. There would be no stability to Executive power, which was deliberately separated from the Legislative by the Founding Fathers so that Executive action would not be subject to the short-term whims of the Congress.

We would also suffer an institutionalized watergate-form of government. Every scandal involving a cabinet-level official published by the *New York Times* and NBC, would immediately threaten the chief executive. Presidents would come and go at the behest of a bloc of parliamentarians and the mass media—both the best Establishment money could buy—not the American people.

An ‘autonomous body’

The agenda of the pro-constitutional convention faction is, of course, much longer than an attack on the separation of powers. There will be similar attacks on other fundamental constitutional doctrines and provisions, such as the separation of church and state, the bill of rights, judicial review, and so forth. There will be laundry lists of amendments prescribing the dictates of every powerful lobby in the country. When the whole process is played out in the spotlight of the media, the result will be a calamity.

Anticipating the possibility of a runaway convention, the Senate Judiciary Committee passed the Constitutional Convention Implementation Act of 1984. This Act supposedly prohibits the convention from straying beyond the issue for which it is called. Yet, most constitutional scholars still believe the convention would not be bound by any single issue. As Gerald Gunther, a constitutional scholar at Stanford University, warned: “Once a convention is called, it is an autonomous body and it can discuss anything it damned well pleases, if it has public support.” Obviously, one of the items it can discuss and ratify, if “it damned well pleases,” is the repeal of the Constitution and the drafting of a new one.

One seemingly less drastic scenario is that the present constitutional convention scare will simply stampede Congress into passing the balanced-budget amendment. A similar phenomenon occurred in 1912, when a constitutional convention drive around direct election of U.S. Senators resulted in the passage by Congress of the Seventeenth Amendment, implementing it. However, approval of the balanced-budget amendment to avert a constitutional convention is like choosing the eighth over the ninth circle in Dante’s *Inferno*.

As an amendment passed by Congress, the balanced budget provision, which is merely an accountant’s trick, must be considered disastrous to the interests of the nation. The problem confronting us is not the old saw about pusillanimous politicians who refuse to tax as much as they spend. The problem is that the pusillanimous politicians refuse to confront and reverse the treasonous policies of environmentalism, the post-industrial society, and Federal Reserve usury, the latter the principal cause of the federal deficit.

A balanced federal budget?

Roy Ash, the former director of the White House Office of Management and Budget under Presidents Nixon and Ford, called upon conservatives to reject such action. Ash cogently argues that the balanced-budget amendment will inexorably lead to stepped-up attacks on the defense budget. This will happen because, “as Willie Sutton said when asked why he robbed banks, that’s where the money is.” Ash is absolutely right and it is a certainty that the first program jeopardized by the passage of the balanced-budget amendment is President Reagan’s Strategic Defense Initiative, the bedrock of any competent U.S. defense policy.

Ash’s second major argument against the balanced budget is equally convincing. The former budget director asserts that lobbying from special interest groups could make it politically impossible for Congress to balance the budget and thereby throw crucial fiscal decisions into the courts. This raises the question of the *justiciability* of the balanced budget amendment.

If the constitutional mandate for a balanced budget is not fulfilled by Congress, can this violation be remedied? Would the courts permit an individual Congressman, or individual taxpayer for that matter, to sue for redress of this unbalanced budget grievance? If such a plaintiff had standing to bring his lawsuit, would a victorious plaintiff be allowed to impose his own spending cuts (suits to raise taxes to balance the budget are rather unlikely)? The entire procedure contains the seeds for destroying legislative authority in this country.

The proponents of the constitutional convention and the balanced budget amendment should be recognized for what they are: advocates of a political and constitutional system which is hostile to the very foundations of the American System. Many of these people actually propose that we adopt the very form of political economy and government which our Founding Fathers fought against at Valley Forge, Saratoga, and Yorktown.

Many of the Constitution’s enemies pay homage to its greatness by calling it a historic document of seminal importance but addressed to a simpler day and age, rather than our modern world. Not so: The framers of the American Constitution ratified a document which, in the words of Chief Justice John Marshall, was meant “to endure the ages.” In the name of Franklin, Washington, and Hamilton, these modern-day redcoats should not be permitted to rewrite our Constitution, or even slightly amend it.