

by Joel S. Hirschhorn
(libertarian)
Tuesday, October 13, 2009

Millions of Americans are politically informed, smart, active and angry. They see many wrongs in our political and government system. They are fed up with politics as usual, meaning corrosive corruption of politicians by corporate and other special interests. They see little good in either the Democrat or Republican parties. And they almost always share a common bond: They love and honor the US Constitution, even though they may see some flaws in it. Yet they are also constitutional hypocrites.

Why do I say this? Because Americans are overwhelmingly ignorant or misinformed about the constitutional paths for amending the Constitution. Too many, in fact, seem to miss the profoundly important point that the Founders and Framers knew that they had not created a perfect document and blueprint for the US. That is why they placed two specific paths for amending the Constitution.

But very few Americans know that only one of these amendment mechanisms has been used in the entire history of the country. All the current amendments were proposed by Congress. This should raise this serious question today: Considering the very low regard for Congress by the overwhelming majority of Americans, which is richly deserved, why should we have any confidence that Congress would ever propose amendments that could kill so much of the corruption that plagues our system, especially corruption of members of Congress?

This situation was somehow anticipated by the Framers. They could see that there was a strong possibility that Americans would eventually lose confidence in the federal government. Which is why they put a second path to amending the Constitution into the document. A path that has never been used. This is the provision in Article V for a convention of state delegates that could propose amendments, which like the proposals from Congress would still have to be ratified by three-quarters of the states.

Being human, the Framers made a mistake. They gave Congress the sole power to call or convene an Article V convention. The single explicit requirement that was supposed to make Congress call a convention was that two-thirds of state legislatures had to request an Article V convention. The Framers did not, apparently, envision a future in which Congress would stubbornly ignore state applications for a convention and get away with it, despite language that demands that Congress "shall" call a convention when one simple requirement is met. How could they envision that Congress would blatantly disobey something so simply stated in the Constitution? How could they anticipate such weak states, unwilling to make Congress respect their constitutional right? The Framers clearly were not cynical enough.

The situation we face today is that all 50 states have submitted over 750 applications for a convention, considerably more than enough to trigger the constitutional mandate that Congress convene an Article V convention. How could Congress get away with this kind of unconstitutional behavior? Apparently, a combination of political corruption and public ignorance has allowed Congress to get away with this. Even among the millions of Americans that proudly declare their loyal allegiance to the Constitution, there is no recognition that unless they demand that Congress obey Article V, they are constitutional hypocrites. Congress has no right to unilaterally decide that it can ignore and disobey a part of the Constitution.

Note that Congress never even created a mechanism where they would collect in a public way the state applications for an Article V convention, which helped create public ignorance of this situation. Add to this that many, many organized vested interests on the left and right like their ability to corrupt Congress to get what they want from it. This is why they have frequently mounted campaigns to make the public fear a convention, because such a convention might actually propose reforms that would remove corruption of Congress by contributing money for campaigns and pursuing lobbying.

Ignorance and fear have combined to thwart public demands that Congress obey the Constitution and convene the first Article V convention. In fact, there is only one national, nonpartisan organization vainly attempting to educate the public so that Congress would be forced to finally give us the first Article V convention. Friends of the Article V Convention at foavc.org is also the only group that has collected state applications for a convention and made them publicly available.

Their efforts may be working. A [new online survey](#) asked this: Based on your assessment of American politics, would you support or oppose a call for a Constitutional Convention? Supporters won easily at 65 percent.

It comes down to this, unless you get informed and join the mission to make Congress obey the Constitution, you are a constitutional hypocrite, not what the nation needs.