

The Herald-Dispatch

Concerns don't require constitutional convention

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The United States Constitution has served us well since it was first debated and cobbled together in the hot summer of 1787 and ratified the following year.

Its creation has been called the "miracle in Philadelphia" and it has been described, pretty accurately, as a "machine that would go of itself."

It's a bit different from many machines in that its framers designed it to increase rather than reduce friction through an elaborate system of checks and balances. The resulting mechanism isn't always pretty to watch, but it has provided the nation with both the stability to endure and the adaptability to adjust to changing times and unforeseen situations.

As the great English political thinker and statesman Edmund Burke put it, "A State without the means of some change is without the means of its conservation."

A supporter of the American Revolution and a critic of the radicalism of its French counterpart, Burke advocated a cautious approach to major changes in the constitution of a nation. As he understood it, the social contract that binds a nation together over time is best seen as "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born."

Unfortunately, some measures now under consideration at the West Virginia legislature threaten that partnership. A number of out-of-state groups have been pushing for legislators to pass a resolution calling for a constitutional convention of states to revise our founding document, an unprecedented step in U.S. history.

Here's the deal: If 34 states approve such a resolution, it could become a reality. Then all bets are off.

It reminds me of a story about a child who was fascinated by the beauty and intricacy of a Swiss watch with its tiny springs and gears and tried to take it apart to see how it worked. It never

worked again. Or, to use a more current example, inviting a group of zealots to take apart our national system of government could be a bit like handing the car keys to drunken teenagers.

Sadly, this week the state Senate passed a concurrent resolution calling for an "Article 5" convention of states, which would "impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials"

There is widespread agreement among legal scholars that opening this can of worms could lead to major and unpredictable changes.

Such an approach is risky and unnecessary. The political process as outlined in our old constitution provides plenty of avenues to address fiscal and federal concerns. And an ingenious means has long been invented to limit terms for officials: democratic elections.

Those concerned with federal fiscal issues often compare the national budget to a household, an analogy that doesn't work. Unlike the federal government, most households don't get to decide how much their income will be. Nor do they control the money supply. However, many households do engage in controlled debt to pay for things they cannot with current earnings, such as a home mortgage or a higher education.

Arbitrary budget constraints from a re-written constitution could harm economic growth as well as national security by limiting the ability of the government to make needed investments, deal with depressions and recessions, and respond to natural disasters or threats to national security.

Those concerned about national debt and deficits have other, less drastic means to deal with these issues - like statesmanship. As the late, great Sen. Robert C. Byrd once said, "I support a balanced budget, and I want to lower the federal deficits ... But the answer must not be to perform a lobotomy on our nation's most sacred principles of checks and balances and separation of powers ... simply because we are frustrated."

While some (but not all) of the out-of-state groups pushing for a constitutional convention resolution are rightward leaning, many conservatives oppose it, including some pretty hard core groups like the Eagle Forum, Gun Owners of America and the John Birch Society, as well as some moderate thinkers connected with such groups as the Heritage Foundation, the Cato Institute and the Hoover Institute. They have found themselves on the same side as unlikely allies like the American Civil Liberties Union and the Center on Budget and Policy Priorities.

Among them was the late U.S. Supreme Court Justice Antonin Scalia, who gets the last word: "I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?"