

# THE PRESS-ENTERPRISE

## Be careful what you wish for when altering the Constitution

By Larry Wilson

August 28, 2022

There's currently a push by some Americans to hold a "convention of the states" for the purpose of altering or even rewriting the Constitution.

Well, there's always been such a push on, by some, and I agree that we shouldn't be afraid as such of doing so when the need arises.

While we bow down, and properly so, to the best Constitution that's ever been written, there have been 27 amendments to the Constitution since it was written, some of them good, some of them absolutely appalling — Prohibition, anyone? — proving that everything is a work in progress.

The process of doing so is onerous, and properly so. But it can be done. An amendment may be proposed by a two-thirds vote of both Houses of Congress, or, if two-thirds of the states request one, by a convention called for that purpose.

What one conservative group is now calling for in this proposed convention has backing in 19 different states. As Nicholas Riccardi of the Associated Press has reported, it recently became an issue in a South Dakota election, in which a longtime Republican member of Congress lost her race for re-election apparently out of her opposition to her state joining the cause and becoming the 20th state; 34 states are needed to make it happen.

"I knew they were angry at me, but I had no idea this was going to be coming during my primary campaign," Riccardi quotes Mary Duvall as saying. She ended up losing her race by 176 votes. Even the challenger who beat her says this isn't his issue "at all." None of the amendments that have been made have done so through a convention since the Constitution was ratified in 1788.

"The Convention of States group is ... vague on its goals, stating that it seeks a gathering that could pass amendments only to 'limit the power and jurisdiction of the federal government, impose fiscal restraints, and place term limits on federal officials,'" Riccardi reports.

Problem is, for the conservatives, that some liberal groups would also like to get into the game if such a convention were called. It's the law of unintended consequences, and that's why plenty of conservatives who aren't affiliated with the group are worried about the outcome.

Progressives would be champing at the bit to get language in about gun control, for instance, and campaign spending limits.

“Lots of things can happen that we can’t predict” if there’s a constitutional convention, Walter Olson, a senior fellow at the libertarian Cato Institute in Washington, D.C. told the AP. “A lot of Republicans are temperamentally conservative and don’t like taking large leaps into the unknown, and they are going to be seen as dragging their heels.”

I’m temperamentally conservative, too, even if as it happens I’d like to see a Constitution that was clearer about the right to be protected from random acts of mass violence through more gun control, and would like to see more limits on campaign spending. But I happen to read the Constitution we already have as very much allowing for more limits on the kinds of weapons Americans can carry — you can’t tote a bazooka or an atom bomb around town, everyone agrees. The idea that election spending by a corporation, or a dark-money nonprofit, or a union, is “free speech” is poppycock, and at some happy future point, we’ll have a Supreme Court that again agrees with those ways of reading the Constitution we already have.

As ousted five-term Rep. Mary Duvall notes, even her South Dakota Legislature has repeatedly declined to support a convention of the states. “The majority of my constituents I’ve talked to say, ‘No, this is a bad idea and dangerous,’” Duvall said.

Be careful what you wish for, wannabe conventioners.