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# Guest opinion: How to fix the federal government

By Robert Natelson  
For the Deseret News

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Federal debt now exceeds \$22 trillion. Congress has not balanced its budget for 18 years. We see repeated partial government shutdowns. Congress and federal courts and regulators meddle in every aspect of our lives. In sum, the federal government is broken.

The American Founding Fathers foresaw this might happen. They gave us a way to fix the problem. The U.S. Constitution empowers the people, acting through their state legislatures, to submit corrective constitutional amendments to the states for ratification.

This process is comparable to initiative and referendum on the state level.

Many Americans favor using this procedure to address the debt problem, impose term limits, and reverse improper Supreme Court decisions. Many states have passed triggering resolutions. The Utah Legislature is considering one now.

But Washington, D.C., lobbyists, politicians and power brokers profit from the status quo, as bad as it is. During the 1960s and 1970s, they created “talking points” to frighten people away from reform. Their talking points bore no relationship to the truth. But they were designed to stop reform — and they worked.

The most important talking point was “If we trigger this process, we’ll get a constitutional convention.” From there, the claims varied — either 1) “the convention’s makeup is a mystery and it will veer out of control and rewrite the Constitution” or 2) “Congress will control it and amendments won’t matter.” (Obviously these claims are self-contradictory.)

A recent opinion piece by Gayle Ruzicka of Utah Eagle Forum parrots this misinformation.

I admit that I used to believe some of this misinformation also. But beginning in 2009, I began a constitutional research project (one of many) that taught me I was wrong. The Constitution’s text and numerous historical documents and court decisions provided the facts. Here they are:

\* The Constitution empowers state legislatures to require Congress to call a “Convention for Proposing Amendments.” Like the Electoral College, this convention derives all its authority from the Constitution. It has only a single power: “proposing Amendments” to “this Constitution.” (Congress also can propose amendments, but Congress is not interested in reforming itself.)

\* Because the convention can only propose amendments to “this Constitution,” the Constitution does not call it a constitutional convention. Its name is “Convention for Proposing Amendments.” No one confused it with a constitutional convention until the 20th century.

- The convention’s agenda is controlled by the state resolutions authorizing it. Its proposals have no effect — none — unless ratified by 38 states.
- Although an amendment convention has not been held, many Founding-era documents and the U.S. Supreme Court tell us that it is a “convention of the states.” We know a great deal about these gatherings because there have been about 40 of them. The first convention of colonies was in 1677 in

Albany, New York. The most recent convention of states was in 2017 in Phoenix, Arizona. Utah has participated in at least three, including the most recent. Thus, opponents' frequent claim that the 1787 constitutional convention is the "only precedent" is particularly absurd.

- Congress has no continuing power over a convention of the states. It is an agent of the state legislatures and is composed of commissioners chosen in ways specified by those legislatures. Each state has equal voting power.
- Some claim the 1787 convention exceeded its authority. This is a slander first promoted by those opposed to the Constitution. Like all slanders, it is false.
- The claim (which Ruzicka repeats) that constitutional amendments make no difference is historical rubbish. Amendments have proven to be powerful tools of reform, often more respected than the original Constitution. Through amendments, we adopted the Bill of Rights, abolished slavery, gave women the vote, limited the president to two terms and overruled several Supreme Court decisions.

We can use this process today to stop the federal government from running up debt and doing other harmful things.