

It's just a Constitution; why not rewrite it?

Marty Trillhaase/Lewiston Tribune

When the Constitution is gone, the government is bankrupt and total collapse is just around the corner, what should you do?

You rewrite the Constitution.

Of course, who says you're going to be any happier with the new one?

Raising the idea was former Idaho lobbyist Dale Pearce, who joined such Tea Party favorites as Washington State Rep. Matt Shea, R-Spokane Valley, and Idaho state Rep. Vito Barbieri, R-Dalton Gardens, at Farragut State Park last weekend for what was billed as a "Self Reliance" rally.

"Liberty once lost is lost forever," said Pearce, who may have been on both sides of the issue. The Associated Press says Pearce backed a constitutional convention; the Coeur d'Alene Press had a different view.

A constitutional convention owes its appeal to its ability to bypass Congress - which has authored all 27 of the constitutional amendments the states later ratified. The idea comes up from time to time. In the 1960s, it offered an antidote to the Supreme Court's one-person, one-vote decision. In the 1970s and 1980s, it was held up as one way the country could pass a balanced budget amendment and empower the president with a line-item veto - both of which are dubious notions at best.

But like the Fair Tax - a national sales tax to replace the federal income tax - being promoted by elements of the Tea Party - this idea could hurt the very people who find it appealing. These would be rock-ribbed conservatives living in sparsely populated red states.

The U.S. has had only one constitutional convention, held in 1787. While it turned out all right, the convention was still a runaway. Delegates had been sent there to tune up the Articles of Confederation. Instead, they turned on the authorities who sent them to Philadelphia - state officials - by weakening those states and putting them beneath a strong national government. Then they bypassed the legislatures by asking for popular support to enact it.

It didn't hurt that the revolutionaries involved in that process were people like George Washington, James Madison and Alexander Hamilton.

Just for the sake of argument, let's say the necessary 34 states sign up for a new convention on the premise of balancing the budget or even imposing congressional term limits. What stops the delegates from:

- Eliminating the Electoral College? However popular that may be with the masses, it would decimate the electoral clout of the smaller states such as Idaho.
- Watering down, if not outright repealing, of the Second Amendment? Remember the 90 percent who supported uniform background checks for gun purchases? Their voices just might be heard by convention delegates.
- Repealing the 10th Amendment? Whatever states' rights means to residents of the West, they mean something entirely different to people who had to fight for their civil rights in the South.
- Reversing the power of corporations to be declared "persons" under the law?
- Calling for the Senate, just like the House, to represent population, not the states?

Once its business is finished, the convention could bypass the state legislatures and call for its work to be ratified by individual state conventions. There's no telling who could end up chosen to sit in those sessions and decide. But if comes down to a pure show of hands, the states with more people - the left-leaning blues - are going to wind up with more power at the expense of the right-tilted red states.

All of which is why the last group who should follow this idea was the very audience Pearce was addressing last weekend. - M.T.