

Please Oppose SJR 9

Utah is again calling for a Convention to amend the Constitution. I have been very active in the effort to oppose and push back the move for such a convention. The dangers of a Constitutional Convention have not been removed. I would like to share with you an article I wrote in 1993 regarding that effort. With but minor adjustments, it is every bit as applicable today as in the past effort to call for a convention to amend the Constitution.

Please oppose SJR 9,

Thank you,

Vincent Newmeyer

Our Nation's CONSTITUTION is ENDANGERED by The Actions of Our Own State

Utah is again calling for the convening of a convention to amend the Constitution. Initially the purpose of this convention is to bring about a balanced budget amendment. Perhaps unsurprisingly the attempt now is to expand the scope of that call to limited issues. However, it is widely recognized that there is no concrete method to limit such a convention to a single item or a select group of issues. This was graphically displayed in the first constitutional convention. The proclaimed purpose of the first convention was to shore up the Articles of Confederation.

"September, 1786, a few men from the middle states met at Annapolis, and hastily proposed a convention to be held in May, 1787, for the purpose, generally, of amending the confederation--this was done before the delegates of Massachusetts, and of the other states arrived--**still not a word was said about destroying the old constitution**, and making a new one--The states still unsuspecting, and not aware that they were passing the Rubicon, appointed members to the new convention, for the sole and express purpose of revising and amending the confederation--and, probably, not one man in ten thousand in the United States, till within these ten or twelve days, had an idea that the old ship was to be destroyed, and he put to the alternative of embarking in the new ship presented, or of being left in danger of sinking--The States, I believe, universally supposed the convention would report alterations in the confederation, which would pass an examination in congress, and after being agreed to there, would be confirmed by all the legislatures, or be rejected."

Letters from the Federal Farmer to the Republican. Written by Richard Henry Lee in 1787. LETTER I, OCTOBER 8th, 1787

In spite of their intentions, the result of that convention was to disregard the Articles of Confederation and write an entirely new constitution. The result of that convention has been a benefit to us all. But should there arise another convention it is questionable that the results would be as beneficial. Distorted constitutional understanding in conjunction with illicit objectives of subversive groups could precipitate an instability in the proposed constitutional convention so great it could be said that our constitution will hang by a thread.

James Madison, who is often referred to as the 'Father of the Constitution' said:

"If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans[sic] on both sides; it wd. probably consist of the most heterogeneous characters; would be the very focus of that flame which had already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in others parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric. Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. **Having witnessed the difficulties and dangers experienced by the first Convention which assembled under ever propitious circumstance, I should tremble for the result of a Second...**" Letter from James Madison to George Lee Turberville, 2 November 1788

There are some who mistakenly will still defend Utah's call for a constitutional convention. The following are some of the reasons most stated in that defense and my response to it.

1. A convention will not truly convene - but Utah's call for the convention is needed to put pressure on Congress to pass their own balanced budget amendment.

Regardless of the intent the existing document calls for a constitutional convention. This is a dangerous method of "scaring" the federal legislators into passing a balanced budget amendment of their own. This is akin to playing russian roulette with a document that has long protected the rights and freedoms of individuals, and which has cost the blood of many a brave patriot in its defense.

Thirty - two of the required thirty - four states have already issued calls for a convention. The State of Connecticut has already made it known that it wants to be the historic 34th state to call for a convention. This means that it is possible that endorsement of only one more states will propel us disastrously close to this calamitous event.

The solution to a balanced budget and every other major issue facing our nation today is to understand and adhere to the founding principles that our constitution is built upon and is designed to protect. **Even if a balanced budget amendment were passed, its effect would be negligible in bringing stability or checking the putrid disregard of intended principle and the deceitful manipulations of law so common to the current legislatures and administration.**

Such an example is the raiding of the social security pension fund to partially cover the ravenous spending habits of the government. Another is the issuing of executive orders when executive officer the President admitted on multiple occasions that they did not have constitutional authority to make such executive orders. The only effective way to control governmental spending is to limit that spending to the confines of the proper role of government - the role intended by our nation's wise founders. Items such as funding of the National Endowment for the Arts, as well as many other programs, by the forceful taxation of the people of this nation is far outside of the bounds of proper government as envisioned by our nation's founders.

2. Should a constitutional convention convene God would again inspire the delegates to that constitutional convention. In the absence of an inspired convention the People would not ratify a degenerate constitution.

I believe that our Constitution was inspired, Our Constitution as Gladstone said, was the greatest document ever "struck off at a given time by the brain and purpose of man." It is possible that inspiration from God, **if sought**, could again be given to those delegates intent on the preservation of our Constitution and the freedoms and liberties that it protects.

However, **it is dangerous to presume that the people of our nation, who have allowed political apathy to pervade their lives, who have instead of seeking and living by the truths embodied in the Declaration of Independence and our Constitution, and have erroneously replaced them with selfishness and greed, would ever recognize and again approve of those principles in their pure form, for it is the people themselves who will ultimately decide the fate of such a convention. The adoption of proper principle can and will never be forced on an individual, a family, or nation.**

The only plausible solution is to teach the people love for their fellow man, and what is really meant by God given free agency, and charity for one's neighbor.

For those of the LDS view, the Lord said this about our Constitution.

"And that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me.

"Therefore, I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land;

"And as pertaining to law of man, whatsoever is more or less than this, cometh of evil.

"I, the Lord God, make you free, therefore ye are free indeed; and the law also maketh you free.

"Nevertheless, when the wicked rule the people mourn.

"Wherefore, honest men and wise men should be sought for diligently, and good men and wise men ye should observe to uphold; otherwise whatsoever is less than these cometh of evil. (D&C: Section 98:5-10)

3. It is not legally possible for Utah to rescind its call for a constitutional convention.

Some compare Utah's call for a convention to the rescission of a contract which could only be rescinded where "you were induced to enter the contract by fraud on someone else's part." That would be true only where a bilateral contract was involved (that is both parties promised some kind of performance). Karen Newmeyer a local attorney, said,

"That is simply not the case here. Utah's call for a constitutional convention could, at best, be called a unilateral contract. A unilateral contract is where one party promises a performance but the other party promises nothing. The promising party is only bound when the second party actually takes some steps toward accomplishing the corresponding performance. In the present situation, Utah would be able to rescind its call for a constitutional convention up until some act

actually went forward toward the convening of that convention."

Utah is a sovereign state. It has a legal right to make laws and repeal those laws. When an act is repealed, it does not undo its effect while it was in force. However, the repeal would undo its effect from that time on. I can see no bases upon which any court could interfere with a state legislature's decision to repeal an act, or, in this case, rescind a previous decision. It may not undo its significance during the ten years the call existed, but that doesn't mean it has to mean anything after a rescission.

Utah can and ought to rescind its call. Several states that have originally called for a constitutional convention have already rescinded their calls.

As Thomas Paine said:

"I shall conclude these remarks, with the following timely and well intended hints, We ought to reflect, that there are three different ways by which an independency may hereafter be effected; and that one of those three, will one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power; or by a mob: It may not always happen that our soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. (COMMON SENSE 5:21) Tomas Paine 1776

From the very start of our nation it was recognized that the guaranties that our Constitution could provide can never be taken for granted, and must be continually guarded by "virtuous men." At no other time in our nation's history have we needed, and are more sorely lacking, in virtue than now. Utah, and the rest of our nation, ought to stand up and make it absolutely clear that we want men with that "virtue" to be our nation's legislators and administrators, and not an opportunity for men lacking in that "virtue" to endanger or challenge our much loved and well tried Constitution. It is our duty to see that any misguided call, or action, be reversed.

Vincent Newmeyer
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