

# State Legislators Need to Fix the Constitution

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## *State Legislative Power.*

This is something you may not have thought of. It is that the state legislators, acting in concert at a convention of the states under Article V of the Constitution for later ratification by the states, have more power than all the power of the federal government and its three branches. As such, our legislators have a duty to take “most effectual precautions” to obtain wise rulers with “virtue to pursue the common good”. Madison at *Federalist 57*. Until they exercise their power to remedy current abuses, our democracy, freedoms and mutual trust will wither away.

If you were at a convention of the states and could change one thing about Washington, what would you propose? I asked this to myself and think an amendment requiring Congress, by a concurrence of two thirds vote, to timely approve a budget by October 1 failing which they will not be qualified for re-election and be deprived of all their benefits subject to such reversal, in whole or in part, as determined by a majority vote of the governors in session. This will bring our leaders together – an essential requirement to preserve our democracy.

The National Conference of State Legislatures will host its Legislative Summit on August 14-16, 2023, in Indianapolis. This Summit is the nation’s largest gathering of legislators. Your duty as a citizen is to call your legislators and remind them of their duty under Article V for the reasons which follow.

## *Article V of Constitution and Need for Process Amendments.*

The only way any power can be exercised is by the decisions of ordinary people elected or appointed for a purpose. Thus, the best way to seek reform is to change our methods of decision-making by *process amendments* to the Constitution rather than by argument over policies. *Process amendments* are those that tell us how and who make decisions not what the decisions should be. Mostly, this is exactly what the Constitution does. In his *Law, Legislation and Liberty, the Mirage of Social Justice* (1976), F.A. Hayek said: “... while agreement is not possible on most of the particular ends . . . agreement on means can to a great extent be achieved precisely because it is not known which particular ends they will serve.”

*Process amendments* are means, not ends, and bring leaders together. Examples are (1) age limits, (2) term limits, (3) fiscal limits, (4) campaign contribution limits, (5) power of states to call a convention of the states, (6) states’ power to repeal federal law, and (7) powers under the Tenth Amendment. More at [www.campaignconstitution.com](http://www.campaignconstitution.com).

*Process amendments* dealing with issues like the above and others will bring our leaders together, rid them of polarization and generate better policies. Thus, John Maynard Keynes said that his economic ideas depended upon a “common ethic”. Hamilton tells us in *Federalist 15* that “Virtuous leaders resist [the] spirit of faction by working together.” The pre-Socratic philosopher Protagoras (ca. 490-420 B.C.) said of Zeus that “our whole species would be wiped out”, if people did not “bring reverence and justice to human beings, in order that these two

would adorn society and bind people together in friendship”. In his epic, *Reverence: Renewing a Forgotten Virtue* (2014), Classical and Philosophy Professor Paul Woodruff at the University of Texas, makes it clear that “you will never see a ‘working’ political process without reverence among its leaders.” *Plato's Protagoras, 322c*. Failing to adopt *process amendments* will drown the media in disinformation, fuel corruption and lead us to tyranny. “A house divided cannot stand”.

### ***Fixing the Constitution.***

The state legislators can fix the bands that bind our country together by adopting *process amendments*. These *process amendments* should be designed to increase reverence among our federal leaders, to bring them together in their search for justice, to see that the political parties act together in good faith to pursue the common good rather than to compete for powers and to rebalance the federalist system.

The exponential growth of technological information requires that we give more balance to *decentralized decision-making* for better laws and quicker action. During a May 2022 speech to Navel Academy graduates, Chinese leader Xi Jinping showed us the consequences of centralization when he said autocracies will rule the world because democracies can't keep pace with rapid change. This rapid change has been confirmed by the brilliant scientist and futurist Ray Kurzweil in *The Singularity is Near* (2005) who said:

The future is widely misunderstood. Our forebears expected it to be pretty much like their present, which has been pretty much like their past . . . I emphasize the exponential - versus - linear perspective because it's the most important failure that prognosticators make in considering future trends . . . The only viable and responsible path is to set a careful course that can realize the benefits while managing the dangers.

### ***Policy Decisions.***

*Process amendments* should not include policies. Policies depend on predictions and no one can predict the future any better than a chimpanzee. Laws are based on policy decisions left to our leaders. They are grounded in predictions made in a milieu of ignorance, prophecy and intuition derived from experience, vision and knowledge of our leaders. Today, policies are grounded in self interest at the expense of common sense, the common good, traditional institutions and reliable predictions.

Good policy requires reliable predictions by our leaders. How good are our leaders at predicting? Professor Philip E. Tetlock tells us that our average experts in making long term predictions (more than a year) are “as accurate as a dart-throwing chimpanzee”. Tetlock and Psychology Professor Barbara Mellers have also determined from extensive research (“tens of thousands of volunteers” in his Good Judgment Project) that, of all those who are in the business of making short term predictions, only 2% of them “stand out . . . as super forecasters”. With 535 senators and representatives in Congress, let's keep our fingers crossed that we have at least 11 of them who can recommend policies grounded on reliable predictions. Our “leaders” today

