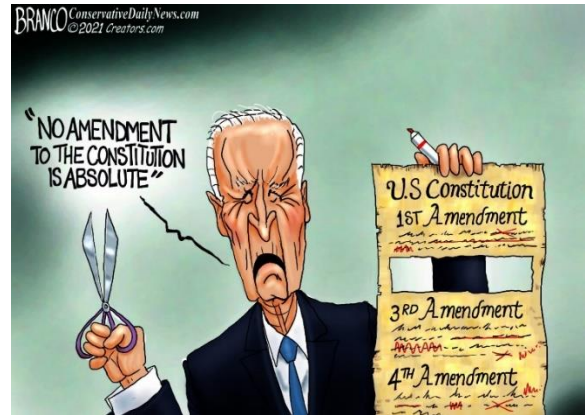


If you don't regularly receive my reports, request a free subscription at steve_bakke@comcast.net !
Follow me on Twitter at <http://twitter.com/@BakkeSteve> and receive links to my posts and more!
Visit my website at <http://www.myslantonthings.com> !

Tinkering with our Constitution? Just follow the rules

Steve Bakke  September 12, 2023



I recently introduced two active efforts seeking to change how our Constitution operates. Here I'll provide some additional information and provide personal comments on each effort.

The first initiative is supported mostly by republicans and independent conservatives. Multiple groups with varying priorities are negotiating established rules in order to convene a "convention of the states" for developing Constitutional amendments. Their preferred amendments represent a wide variety of issues including congressional term limits, election integrity, updating the Constitution's Commerce Clause, and many more.

Most Democrats are expressing serious concern about convening this type of "convention," fearing the gathering might "go rogue," causing more harm than good. I can't share their concern that things could go "off the rails." First, it requires two-thirds of the States to call a convention. And any approved amendment must then be ratified by a supermajority of 75% of the states before becoming law. The bar is set appropriately high.

While I can't support all of the amendments that would be considered, I support these citizens' right to use the official Constitutional process for approaching the citizenry with their ideas.

The other initiative is the "National Popular Vote Interstate Compact" (NPVIC/Compact) which is primarily supported by democrats. This Compact intends to negate our Constitutional electoral process, specifically the Electoral College (EC), by having the necessary number of states agree to automatically pledge their electoral votes to the winner of the national popular vote in presidential elections. This would sidestep the electoral process, as set out in the Constitution, in order to guarantee the national popular vote winner becomes president.

A major hurdle for NPVIC is to overcome charges that it's unconstitutional. For example, the Constitution guarantees that "the United States shall guarantee to every state in this Union a republican Form of Government." Under provisions of the NPVIC a state's voters could select

candidate A, and that same state's electors would be contractually bound to cast their votes for candidate B. That would conflict directly with the quoted guarantee. If NPVIC is successful, there's a high likelihood that, in every election, voters in some states would be disenfranchised.

And consider these words from the Constitution's "Compact Clause": "No state shall, without the consent of Congress.....enter into any agreement or compact with another state or with a foreign power....." The meaning seems very clear.

These two provisions would lead the way in any Constitutional challenge of the NPVIC.

The Founders were concerned with undue influence of population centers on presidential elections. They set up the electoral process to deal with those concerns. The Electoral College in modern day America is still reducing the political influence of the population centers in favor of "flyover states."

This has nothing to do with "protecting the underdog." Lower-population states have developed and evolved so that they now represent a disproportionate share of our natural resources and agricultural production. A voter or politician in Queens, New York can't be expected to give rapt attention to the interests of a farmer or an ag business in Iowa. Without this electoral system, no presidential candidate would travel to tall corn country or visit an Iowa livestock producer or processor.

Without the electoral system, selecting our presidents would too frequently be controlled by population centers. Under the NPVIC's intended system, the "flyover states" would often split their vote and a few the population centers would predictably determine the election. It seems to me that too often, about 40 to 45 states wouldn't much matter. We must guard against the disenfranchisement of voters from these states.

I support the existing electoral process because it's operating effectively as intended. Perhaps some changes could be made, but creating this Compact isn't one of them. It makes a mockery of the effective and purposeful Electoral College.

These are two active efforts to change our governance structure. One is faithful to the deliberate process established by our Founders. The other employs an arguably unconstitutional "end run" to stymie the existing process for selecting presidents.

Our Constitution is cheapened when politicians seek advantage by ignoring it. We should reject such an effort and put our faith in the presidential electoral process established by our Founders.

