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Written by **Steve Byas** on January 29, 2018

Left-wing Writer Wants to Use Article V to "Throw the Entire Constitution in the Garbage"

While some prominent conservatives continue to play with fire by pushing for a Constitutional Convention — or as they choose to call it, "an Article V Convention of the States" — there is increasing evidence that many on the political Left also want an Article V Convention.

But as Ryan Cooper wrote for the online edition of *The Week*, they would like to see an Article V Convention, not to improve or tweak our present Constitution, but rather to "throw it out and start over."

In his article, in which he referred to the work of James Madison, Alexander Hamilton, and George Washington "an outdated, malfunctioning piece of junk," Cooper offered several examples of why he despises our present Constitution, but admits the best possibility to improve the Constitution — in his mind, anyway — is to "throw the entire Constitution in the garbage."

Cooper sees the most likely method to accomplish this goal is through a legal mechanism "like a constitutional convention," which would likely lead to a "new constitution."

What are some of the problems Cooper has with our present Constitution?

"The major problem with America's Constitution is that creates a system in which elections generally do not produce functioning governments," and there is no "mechanism to break the deadlock," Cooper laments.

But is deadlock, or gridlock, really so bad? After all, is the alternative of one political party getting its way completely better? It depends. I would certainly like to see one political party be able to push through the repeal of a multitude of laws, and the abolition of many government agencies. But, left-wingers such as Cooper clearly want a more powerful government than even the one we have now. Adolf Hitler and Joseph Stalin did not have to worry about gridlock. If they wanted to pass something, there certainly was no "gridlock" to stop them.

Cooper's ultimate goal is to replace our federal republic with a "proportional parliamentary democracy." Obviously, to accomplish this goal, our present Constitution, designed more to advance the cause of liberty than to implement the will of the majority, has to be, as Cooper says, thrown into the trash, even if that means reducing our liberty.

Cooper would like to "get rid of the Senate filibuster." Regardless of what one thinks of this proposal, the filibuster is not provided for in the Constitution, but is a result of the United States Senate making the filibuster a rule. Ridding the Senate of the filibuster would only require a change in Senate rules, not the scrapping of the Constitution. At one time, 67 votes were required to invoke cloture and end a filibuster, now only 60 are required. That change did not require a new Constitution, but just a Senate rules change.

Cooper also wants to end the single-member district system we now have in the House of Representatives, which, since he wants a proportional parliamentary system, is an obvious change that would be required to accomplish that. This is the same desire that Woodrow Wilson advocated as a "progressive" professor at Princeton before he became president.

Cooper also wants to "neuter the Senate," calling it "an odious, undemocratic institution." Of course, the Founding Fathers created the Senate as a way to protect the rights of the states, a system called federalism. As Cooper rightly notes, "The Constitution places high bars to changing the Senate, stipulating that no state can be deprived of its representation without its consent." Not even an amendment to the Constitution can alter the provision that each state has two senators. This promise was necessary to get the smaller population states to agree to the Constitution. Federalism would be unthinkable without such as provision.

Much like those who want to "neuter" the Electoral College, by doing an end-run around the Constitution with the National Popular Vote proposal (which is in line with the thinking of leftists such as Cooper), Cooper has a suggestion to make an end-run around the Constitution to implement his goal of neutering the Senate: "It might be possible to pass an amendment making the Senate a House of Lords-style institution without real power. Senators could still be elected, but not be able to pass a binding vote on legislation."

Cooper also discounts the importance of the principles of separation of powers and checks and balances, as well as the principles of federalism, limited government, and republicanism. "In normal countries, the executive is simply part of the legislature." So, in Cooper's view, the United States is *not* a "normal" country. This means, Cooper is correct, that millions of people around the world are desirous of moving to an *abnormal* country. If this plan were implemented, Cooper argues that "standoffs created by divided government would not happen." Again, Hitler and Stalin did not have to worry about "standoffs created by divided government."

Cooper concludes his article in *The Week* with what he believes is the real solution to all of these supposed problems: "Other countries regularly ditch or overhaul their constitutions to deal with new problems — and even America has done so in the distant past. When the first stab at a U.S. Constitution proved totally unworkable [the Articles of Confederation], Americans of the day didn't fuss around with stipulations that 'the Union shall be perpetual.' Instead they threw the whole thing out and started from scratch."

Apparently, this is what Cooper would like to see happen, and he sees the most likely avenue to being able to "throw the whole thing out" and start "from scratch" being a convention called under Article V of our present Constitution!

Advocates of the Article V Convention often make the argument that any proposal making it out of such a convention would have to be approved by three-fourths of the states, as required by the Constitution. But the Articles of Confederation, which our Constitution replaced, required *unanimous* agreement to any change. Instead of following that requirement, the Framers simply reduced the number of states needed to consent to the new Constitution from all to only nine out of 13.

Would those who despise our present Constitution as much as Cooper respect the provision of the Constitution requiring a three-fourths ratification vote of the states? We cannot be sure of that. Jack Beermann, a law professor at Boston University, suggested we could use an Article V Convention to abolish the Electoral College, arguing that a "group of populous states could convene a constitutional

convention, invite representatives from all fifty states, and adopt a new Constitution *without abiding by Article V's process."* (Emphasis added).

Clearly, those conservatives who have been taken in by the arguments that an Article V Convention of the States would only result in positive changes to our Constitution need to wake up and understand that many on the Left are salivating at the thought of using such a convention to scrap the entire document and replace it, altering our very form of government in such a way that America will become a completely different country.

Image: photographer3431/iStock /Getty Images Plus

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