

A New Constitution?

In recent years the nation's conservatives, bitter and angry at Supreme Court decisions preserving the rights of the individual against the police, have begun to demand a new Constitutional convention which could totally rewrite our present document. Rubbing their hands with glee, the conservatives have believed that the new convention would devote itself to such cherished conservative tasks as: (1) making sure that a rural voter gets several times the voting power of an urban or suburban voter, and (b) allowing the police to run roughshod over the rights of the citizen in the name of fighting crime. Why *libertarians* should devote themselves to either of these goals is, of course, a grim mystery.

The conservative view of the world is a curious one, and never has this fact been more glaring than in their drive for a new convention. Apparently, the conservatives either do not know or do not care that any new convention would obviously make our present charter much worse than it is — providing far more channels for state dictation over the individual. Or perhaps conservatives don't care how statist we become, so long as the police share a good chunk of the new governmental power.

At any rate, a good test of what would happen in any new convention occurred recently in New York State, which just concluded a Constitutional Convention of its own. The major achievements of "ConCon" are twofold: (1) removal of the public referendum barrier to new state and local bond

issues, and (2) removal of the old Constitutional barrier against state aid to parochial schools.

[The first change] means that no longer will the people have the right and power to vote down the endless stream of school bond and other bond proposals which the big spenders in government spend their lives concocting. In recent years the people's power to vote on these boondoggles has proved a serious embarrassment to the Establishment, as bond after bond issue has been voted down — calling down the wrath of educationists, school boardsmen, intellectuals, and bankers who underwrite the bonds. Now the ConCon proposes to rid the State of New York of this annoying democratic encumbrance on its collective will.

The second major change proposes to put a serious breach in the important American principle of separation of church and state. This separation means that the state shall have no power to meddle in the religious life of the country — a perfectly exemplary principle that the libertarian would like to extend to other spheres of society as well. But the conservatives, of course, are in the forefront of wishing to bring the state and church together. In the process, the long-suffering taxpayer would be hit again, this time for subsidies to religious schools *not* of his choice.

It is instructive to see how left and right have divided in New York over this new Constitution. The civil-libertarian-left opposes it because of the parochial school plank; the budget-conscious-right opposes it because of the end of the referendum barrier to state spending. In the center are a mass of supporters — especially among Catholics — who approve heartily of both changes. The libertarian, of course, heartily *opposes* both, and therefore is more devoted than anyone to defeating the new Constitution. It will be interesting to see how this incipient left-right alliance against the statist Constitution fares in battle against the Establishmentarian center.