



The Phyllis Schlafly Report

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Conference of the States Is Losing in the States

The so-called Conference of the States (COS), which was originally planned to sail through state legislatures without controversy and even without hearings, and culminate in a media event in Philadelphia in October, is failing to get its resolutions passed. Just as many states are defeating the COS resolution as are passing it.

COS sponsors are baffled at the unexpected resistance from grassroots Americans. If COS advocates would just read their own materials, the reasons for the resistance would be obvious.

COS spokesmen harp on "unfunded mandates" as the reason why we need a Conference of the States, but doing anything about unfunded mandates is not on the planned agenda for the Conference when it convenes. That makes COS smell like a bait-and-switch ploy.

What is on the agenda, according to COS materials, are three so-called "process amendments": (1) to enable three-fourths of the states to amend the U.S. Constitution without any input from Congress unless Congress by a two-thirds vote in both Houses vetoes the amendment within two years; (2) to permit two-thirds of the states to "sunset" any federal laws except national defense and foreign policy (what about civil rights and income tax laws?); and (3) to add a sentence to the Tenth Amendment empowering the courts to adjudicate the boundaries between federal and state authority (which, of course, they already have, but presumably this sentence would encourage the courts to be more activist).

These changes are downright radical. They attack the premise that America is to be one federal nation instead of a confederation of sovereign states.

We the People decided most of those questions with the ratification of the United States Constitution in 1789, and we decided the rest of those issues with the War Between the States. Why are these questions being brought up again in 1995?

COS advocates are less than truthful when they talk about "restoring the balance" between the federal government and the states. COS advocates are really

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Let's Punish Criminals, Not Spy on Americans

Are the Republicans in Congress going to roll over and let the Clinton Administration use the Oklahoma City tragedy as an excuse to establish a federal police state with unprecedented power to spy on and harass law-abiding citizens?

First, Clinton directed his verbal attacks against talk radio hosts. Now he is demanding bipartisan support for a long list of proposals, supposedly to combat terrorism, but which would invade the privacy of law-abiding citizens while doing nothing to prevent such outrages as happened in Oklahoma City.

Clinton says we will still have our First Amendment rights. Maybe we will be able to speak, but Janet Reno's agents will be able to listen in on our private conversations, and that certainly will have a chilling effect on free speech.

Under present law, federal agents may obtain a wiretap for only a relatively short list of serious crimes such as drug trafficking. Clinton is now demanding permission for federal agents to obtain a wiretap to investigate any suspected federal felony.

If you thought that federal felonies are primarily national crimes such as the assassination of a President, the hijacking of an airplane, or transporting a kidnapped person across state lines, you are living in the past. Experts estimate that there are some 1,300 federal felonies, including private property offenses under the Clean Air and Clean Water Acts which most people don't even realize are crimes.

Clinton and Janet Reno want to be able to wiretap in order to "investigate" any of those 1,300 federal crimes, and the person wiretapped does not even have to be the one suspected of committing a felony. Clinton also wants to forbid suppression of surveillance evidence in court unless investigators acted in "bad faith," whatever that means.

The Clinton Administration has been planning this massive spy operation for some time. This became clear last year during the passage of the Digital Telephony

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COS Is Losing, continued . . .

pushing a plan for an entirely new type of government. That's why all their resolutions and position papers contain such rhetoric as "fundamental, structural, long term reforms" and "basic structural change."

While some opposition to the COS resolutions has focused on this radical agenda, other opposition has arisen because COS sponsors talk out of both sides of their mouths about whether COS could be or would evolve into a new Constitutional Convention. Chief sponsor Governor Michael Leavitt of Utah now denies that this could happen, but his May 17, 1994 position statement threatened that, if Congress does not obey the COS's demands (labeled the States' Petition), the states will call a Constitutional Convention.

On April 18, Brigham Young University political science professor Bud Scruggs, who is a good friend of Governor Leavitt and says he has consulted with COS officials, made a frank admission to Salt Lake City's *Deseret News*. He said, "When somebody says this meeting could mutate into a Constitutional Convention, no matter what length you go to ensure it won't happen, you have a hard time saying it wouldn't. There's simply no track record to say it wouldn't."

While denying that COS would itself be a Constitutional Convention, Ray Schepach, executive director of the National Governors' Association (one of COS's sponsoring organizations), admitted to the *Wall Street Journal* that "it could lead to a Constitutional Convention if the results of the Conference are ignored." Journalist David Broder has called COS a "first cousin to a Constitutional Convention."

The COS resolution introduced into the Texas Legislature demonstrates that some COS advocates are aggressively planning COS as a stepping stone to a Constitutional Convention. The Texas COS Resolution included this language resolving that the COS agenda extend also to common language calling for a "constitutional amendment convention under Article V of the United States Constitution." Fortunately, Texas rejected the entire COS resolution.

The effort to mutate the Conference of the States into a Constitutional Convention was greatly enhanced by Senator Hank Brown's introduction of U.S. Senate resolution, S. Res. 82, on which hearings have already been held. His resolution petitions the states to convene a Conference of the States and then "consider whether it is necessary for the States to convene a Constitutional Convention pursuant to Article V of the Constitution of the United States."

If the Governors and state legislators are really sincere in their opposition to federal mandates, they can easily start by refusing to accept federal funds from Goals 2000, as Montana has already done. Rejecting federal supervision over public school curriculum would be the best way to start to assert the kind of state sovereignty our present Constitution intended. We don't need any Constitutional Convention or COS chicanery.

Don't Spy, continued . . .

Act. With telephone lines rapidly converting to digital signals, the old wiretap method of alligator clips doesn't work except on the portion of your phone call between your house and the local switch. The Clinton Administration got Congress to include a provision in the Digital Telephony Act forcing telephone companies to install special equipment that will enable the feds to identify and listen to digital phone calls. But the phone companies balked at the high cost of installing the necessary equipment.

Now, Clinton is using the Oklahoma bombing as an excuse to induce Congress to appropriate \$500,000,000 to pay for the installation of digital wiretap equipment. This would, in effect, repeal the Fourth Amendment's prohibition against "unreasonable searches and seizures," and enable Janet Reno to wiretap the phone conversations of ordinary Americans under the excuse that she is investigating some federal crime somewhere (such as a neighbor violating a "wetlands" regulation).

It's not surprising that Clinton wants the power to listen in on your telephone conversations. After all, the Clinton health care bill (developed by Hillary's task force in secret, in defiance of the law and of a court order to make its deliberations public) included a plan to set up a computer database to which your doctor would have been required to report all medical treatment and on which the feds could track everyone's medical history.

Clinton is pushing other privacy-invading proposals that are even worse. He wants to give Janet Reno's agents the power to force banks, credit card companies, telephone companies, hotels, motels, airlines and bus companies to turn over their records about individuals. This power could be exercised in secret, without a search warrant or court order.

Clinton wants to set up a new federal interagency domestic-counter-terrorism center and hire 1,000 new federal agents. That would simply expand Janet Reno's power, whose department was responsible for the killing of Mrs. Randy Weaver in Idaho and the tragedy of Waco. Clinton wants to give Janet Reno new powers to investigate groups without any evidence of a criminal act or plot. He even wants to bring back the practices of the Reconstruction era when U.S. armed forces enforced civilian law in post-Civil War South.

Clinton's contempt for the Constitution was further illustrated by his intemperate reaction to the Supreme Court's *Lopez* decision, which limited Congress's power to govern local schools. Clinton said he is asking Janet Reno to find a way to "reverse the practical impact of the Court's decision."

Tell your Congressman to cool it. We need thorough Congressional investigations of Oklahoma City, of suspect Timothy McVeigh's experience in the Gulf War, and of the Weaver and Waco deaths. We need to prosecute criminals. But we don't want to give Janet Reno or the Clinton Administration one iota of additional power.

'Experts' Show Their Hand About UN Treaty

It was appropriate that Hillary Rodham Clinton was the one who announced that the Clinton Administration signed the United Nations Convention (Treaty) on the Rights of the Child and is sending it to the Senate for ratification. After all, this UN Treaty has been a major goal of the Children's Defense Fund (CDF) ever since that lobbying group failed in its effort to pass the 1990 ABC Child Care bill (which was designed to create a new federal entitlement: federal babysitting of preschool children).

Hillary Rodham Clinton was chair of CDF's board of directors from 1986 to 1991, CDF's CEO Marian Wright Edelman is Hillary's close friend, and her husband Peter Edelman is scheduled to be appointed by President Clinton to the second highest court in our land. The UN Treaty, the Children's Defense Fund, and Hillary Rodham Clinton all share the world view that government, not parents, should have the primary say over the upbringing of children.

These notions are not very popular in the United States, but 176 foreign nations have signed this UN Treaty. It creates a long list of children's rights that presumably would be enforced against parents by the government or by an international bureaucracy.

Article 43 of the treaty sets up a Committee on the Rights of the Child consisting of ten "experts" chosen by the signatory governments. Its purpose is to examine the "progress" made by the governments "in achieving the realization of the obligations undertaken" in the treaty.

Last month, the Committee released its report on the United Kingdom and Northern Ireland. It demonstrates the sort of international bureaucratic busybodyism that will be in store for us if the U.S. Senate ever makes the mistake of ratifying the treaty.

In its report, the UN Committee expressed its concern about "the adequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources." The Committee concluded that "insufficient expenditure is allocated to the social sector both within the United Kingdom and within the context of international development aid."

Such arrogance! This UN committee presumes to admonish the United Kingdom to spend more taxpayers' money "to the maximum extent of available resources." This UN Committee, if it ever gets the chance, will be able to censure the United States about our failure to spend enough money on liberal social programs, thereby giving liberal activist federal judges the excuse to order us to comply.

The UN Committee didn't create this spending obligation out of whole cloth. It's right there in the text of the treaty. If we are fools enough to ratify it, we will be obligated "to the maximum extent of [our] available resources" to provide all children with "health care

services" (Article 24), social security (Article 26), and an "adequate" standard of living, nutrition, clothing and housing (Article 27). Are you ready for higher taxes?

The UN Committee says it is "concerned" that "the possibility for parents in England and Wales to withdraw their children from parts of the sex education programmes in schools" means that "the right of the child to express his or her opinion is not solicited" and that "thereby the opinion of the child may not be given due weight and taken into account as required under article 12."

Article 12 purports to give children "the right to express [their] views freely in all matters." So, now we know that the UN Committee believes that a child's rights should include the right to overrule his parents' decision to withdraw him from sex education classes. It is not likely that Americans want to delegate to the UN the right to overrule parents on sex education.

The UN Committee calls for "establishing further mechanisms to facilitate the participation of children in decisions affecting them, including within the family and the local community." "Decisions affecting them"? About what they eat and wear? When they study and sleep? What school and church they attend? What rules of behavior govern their lives? Under the UN treaty, parents get lost! The kids are in the driver's seat!

The UN Committee "recommends that physical punishment of children in families be prohibited in light of the provisions laid down in the Convention." Will a UN gestapo soon start peeking through windows to see if parents are spanking their disobedient children?

The UN Committee urges "that procedures be introduced to ensure that children are provided with the opportunity to express their views on matters of concern to them in the running of the schools." Are we ready for children to run the schools?

Finally, this UN Committee of experts, legally operating under the treaty already signed by 176 foreign countries, calls for "introducing education about the Convention on the Rights of the Child into school curricula." School textbooks will soon be teaching children how to assert their rights against their parents.

Tell your Senators to vote NO on this anti-family UN treaty.

Phyllis Schlafly is the author of 16 books, including five books on national defense and foreign policy: *The Gravediggers* (1964), *Strike From Space* (1965), and *The Betrayers* (1968) covering the McNamara years; and *Kissinger on the Couch* (1975) and *Ambush at Vladivostok* (1976) covering the Kissinger years. Her most recent book, *First Reader*, is a system for teaching children to read. She was a member of the Commission on the Bicentennial of the United States Constitution (1985-1991), by appointment of President Reagan. She is a lawyer, a syndicated columnist, a radio commentator, and the president of Eagle Forum.

McNamara Should Be Crying for Us, Not for Himself

Robert Strange McNamara belongs on the daytime soap operas. Better yet, his histrionics belong on Donahue or Geraldo or Sally Jessy Raphael. We are not impressed that he would "cry easily" about Vietnam, that he "sweated blood at night about it," or that he suffered from "anguish" and "stress."

What about the tears, blood and anguish he caused to others? They are the ones who deserve our sympathy. Even in this era of public confessions and self-deprecating autobiographies, McNamara's book *In Retrospect* comes across as shallow and self-serving.

In his prime years, McNamara said it was all right with him to call Vietnam "McNamara's War." We accept his invitation. He bears the number-one responsibility for the Vietnam tragedy and, as the *New York Times* said so well, "McNamara must not escape the lasting moral condemnation of his countrymen."

McNamara says he wrote his book because he is "sick at heart" about the cynicism with which Americans view their political leaders. His book proves that our cynicism was and is justified.

McNamara tries to excuse himself and earn our sympathy by asserting that, even though he was "wrong, terribly wrong" about Vietnam, it was just an "honest mistake." But the old refrain "everybody makes mistakes" won't wash for McNamara.

He set a new record of public immorality when he asserts that, although he knew that the Vietnam War was a mistake all those bloody years, knew he was sending thousands of men to a useless death, he did it anyway. This confession indicts not only himself but the man where the buck stops, President Lyndon B. Johnson. This revelation will promote even more cynicism.

McNamara tries to excuse himself on the ground that he lacked accurate information about Vietnam. "We had no senior group working exclusively on Vietnam, so the crisis there became just one of many items on each person's plate." That argument makes him guiltier still because it was culpable ignorance; he had plenty of resources to get all the information he needed. Indeed, he was the one responsible for preventing accurate information from coming to light.

McNamara complains that our government "lacked experts" on Southeast Asia because the State Department's China experts "had been purged during the McCarthy hysteria of the 1950s." How farfetched can you get! McNamara cannot evade responsibility for the Vietnam disaster by blaming poor old Joe McCarthy, who died many years earlier.

The chief tactic that McNamara and Johnson used to prevent law-abiding Americans from attacking government policies was the fiction that the President and Secretary of Defense were privy to superior knowledge not available to the general public, and therefore we should trust them to prosecute the war as they saw fit.

Now McNamara admits it was all a lie; they didn't have any inside information to justify their actions.

McNamara's explanations of "why" the wrong Vietnam decisions were made include the fact that LBJ was eager to safeguard political spending on the Great Society, "the weakness of his decision-making approach," and idiosyncrasies in his style.

In the 1964 presidential campaign, the Democrats' principal theme was that Barry Goldwater was a trigger-happy warmonger. It is now obvious that Lyndon Johnson and Robert McNamara were the trigger-happy warmongers who used the pitiful Gulf of Tonkin incident as an excuse to take America into a no-win war.

After President Johnson kicked McNamara upstairs to the World Bank, McNamara wrote a book in 1968 called *The Essence of Security*. It was designed to camouflage his mistakes during his seven years as Secretary of Defense.

The book was full of worn-out liberal cliches such as "collective security," "accommodation with the Soviet Union," the end of "monolithic" Communism, "building bridges," "peaceful competition" with the Communists, and the hope for "agreements" with the Soviets. He expounded on his Whiz Kid theory that "The real threat to democracy comes not from overmanagement but from undermanagement."

He's got that 100 percent wrong. McNamara exercised more power and produced more disastrous results from his management decisions than any American in our history. He spent more than \$400,000,000,000, yet managed to lose a war and reduce the strategic military power of the United States by 50 percent.

McNamara said he was "upset" when demonstrators shouted "murderer" at him. His book gives the American people the chance to shout condemnations at him for being the mastermind of decisions that destroyed so many young people, not only those who lost their lives on the battlefields of Southeast Asia, but also those whose lives were shattered here at home. These words of Joseph Addison can be appropriately applied to Robert McNamara:

"Is there not some chosen curse,
Some hidden thunder in the stores of heaven,
Red with uncommon wrath, to blast the man
Who owes his greatness to his country's ruin?"

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