

Chapter 13

The Compromise of 2035

“And for this Friday, April 27, 2035 a special edition of the Newshour with an in-depth look at today’s historic joint resolution of Congress sending a 29th amendment to the states for ratification. I’m Katherine Parks and this evening we talk with a legislator involved in the negotiations, with the governor of one state affected by the proposed amendment, and with Ralph Lowry of the Washington Post and Fran Quinn of the New York Times for their regular Friday face-off. But first, let’s turn to our expert on all things constitutional, Alexei Bronff. Alexei, can you tell our viewers what they need to know about the amendment?”

“Thank you Katherine. Well it’s been an astonishing ride from a California proposal that appeared dead on arrival to today’s congressional vote. For Congress-watchers, the measure marks a level of legislative cooperation some say hasn’t been seen since the days that Lyndon Johnson ruled the Senate in the 1950’s. And few predicted that we see another amendment following so quickly on the heels of the 28th.”

“Alexei, can you tell us exactly what’s in the amendment?”

“Sure, Katherine. There are two distinct pieces to the proposal. The first eliminates what’s known as the ‘due process’ clause of the 14th Amendment. That clause ensures that protections spelled out in the Bill of Rights, the first ten amendments, can’t be overridden by the states.”

“And that language is being eliminated? Should we be alarmed?”

“That depends on your point of view, Katherine. States like New York and New Jersey have long sought a way to restrict gun ownership, but the stark language of the second amendment has left them with few options. Even an expanded supreme court has been hesitant to open that door. The new amendment would allow

gun restrictions at the state level, although such restrictions would still be prohibited at the federal level.”

“Just to clarify for our viewers, are the first ten amendments still in force?”

“They are, Katherine, except where a state explicitly enacts legislation contradicting one of the rights contained in these amendments. The proposed new amendment gives states a good deal more latitude in defining the rights of its citizens.”

Parks, normally a tower of certainty, looked puzzled. “Then a state could pass legislation allowing, say, warrantless searches?”

The face on the other half the split screen considered this for a moment. “Yes, that’s possible. But there’s no indication that any state has plans to do this.”

“I see,” said Parks, “and the other piece of the amendment?”

“That eliminates what’s known as the ‘commerce clause’. California has long argued that the federal government has no business legislating trade. They’d been a voice in the wilderness until recently when a number of agricultural states jumped on the bandwagon. These farm states argue that legislators in Washington know nothing about the economics of wheat and corn. They say that trade is a regional matter, better left to the states that have an interest.”

“And what would be the likely result? How would consumers be affected?”

“Well, Katherine, let’s consider corn. Iowa, China, Brazil, and Argentina are the world’s top corn producers. There’s been talk of these producers forming a cartel, similar to the OPEC oil cartel, to support corn prices. It’s likely that consumers would see a rise in meat prices due to the increased cost of cattle feed and a rise in the price of beverages due to the increased cost of high-fructose corn syrup.”

“I see, Alexei. You’ve described to our viewers the two pieces of this

proposed amendment, can you tell us if these are related in some way? How did they end up in the same amendment?”

“Not related at all, Katherine. Proponents of each didn’t have enough votes on their own, but joining together they managed to reach the needed two-thirds in both houses. As we’ve been reporting, it took several weeks of legislative horse-trading to make it happen.”

“And we’ll hear more about that horse-trading later. Thank you, Alexei for explaining some very complex issues to our viewers.”

“My pleasure, Katherine.”

“Now we turn to the governor of New Jersey who has been a champion of this proposal from the start. Welcome to the Newshour Governor Springsteen.”

“Hello Katherine. It’s a pleasure to be here on what’s really a special evening. Been a long time coming but worth the fight.”

“You ran on the issue of gun control, Governor. What kind of legislation do you see coming out of the Garden State now?”

“Well, we’re not just talking about Jersey, Katherine. I’ve been working closely with a number of other governors. Our goal is to establish a gun-free corridor through the mid-Atlantic region. It’s a plan that’s going to bolster tourism and promote business development, but, most important, it’s going to keep our kids safe.”

“Governor Springsteen, many people are wondering how you plan to get guns out of the hands of people who may not want to give them up.”

“That’s a fair question, Katherine. Nobody’s going door-to-door to collect people’s guns. That’s just not how we do things here in New Jersey. If you keep that gun under your bed, no one’s going to search your home to find it. But, if you get caught with that gun in public, it’s going to be confiscated and you’re going to face a substantial fine. I know there are people out there who believe in the right to bear arms, and we’re going to give those folks the help

they need to move to gun-friendly states. Nobody's saying these people aren't good folks, Katherine, it's just that they belong in a place with others who share their beliefs."

"No exceptions for hunters?"

"That's something the legislature will look at. It's been suggested that hunters be allowed to store guns at licensed hunt clubs. It's a possibility. There's room for compromise."

"And let me ask you, Governor, are you at all worried that elimination of the due process clause is going to lead to civil rights abuses?"

"Well, Katherine, I was born and raised in New Jersey. Jersey folks have solid values. Our legislature isn't going to pass laws violating anyone's civil rights. Could it happen elsewhere? Could we see a return to Jim Crow laws in some states, or laws discriminating against certain religions? Probably. But, you know what I'd tell folks in those states?"

Parks was hoping that the question was rhetorical. She was relieved when the governor continued, "I'd tell 'em to move on down to Jersey." The governor grinned, and the usually stone-faced Parks couldn't resist a smile. 'Move on down to Jersey' was the title track from the governor's most recent album.

Springsteen picked up a beat-up Gibson arch-top. He took a few seconds to tune and then began to strum:

If you can't find a job and you don't like your neighbors
And you think you've done what you could
Then move on down to Jersey
She ain't perfect but she's good

Parks was in heaven. She'd been a fan since she was a teen.

"You know, Katherine, I had doubts about an old man like me going into politics, but this makes it all worth it. Sure, I get a kick out of singing for people, but that's nothing compared to saving the lives

of innocent kids. And for your viewers anywhere near Trenton, we're having a big party on the statehouse lawn this evening and everyone's invited."

"Well thank you for joining us, governor." Parks was trying to calm herself. She was suffering a serious case of starstruck.

"Anytime, Katherine, anytime." The camera panned away from the governor and back to Parks.

"And now let's hear from our regular Friday combatants, Ralph Lowry of the Washington Post and Fran Quinn of the New York Times. Ralph, what are you thinking?"

"Well, Katherine," said Lowry, "I'm thinking that America's gone mad, stark raving mad. Removing the due process clause? What stops Mississippi from allowing slavery? What stops Illinois from permitting warrantless searches?" Lowry looked genuinely distressed. He removed his glasses and rubbed his eyes.

"Ralph," said Quinn, flashing him a condescending smile, "I see you're still stuck in those 'long-held beliefs'. People have different views. Some people think you have a right to burn the American flag and some don't. There are no absolutes here. If a state wants to restrict flag-burning, then why not let that state legislature decide the issue? Or if a state wants to allow school prayer, why not let them do that? And there's not a state in the country that's going to reintroduce slavery. It's a bogus argument."

Lowry looked at Quinn across the glass table. She was an intelligent woman. He wondered if she believed the things she was saying. "Fran, don't you see it? More amendments like this and America will be fifty separate countries."

"Ralph, you always want to take these things to extremes. The federal government will continue play a role in areas like national defense, monetary policy, and foreign affairs. That's not going to change."

"Well, I'm not so sure, Fran. If California can negotiate trade

agreements, the next we know they'll be signing a treaty with China."

"That's alarmism, pure and simple, Ralph. This amendment just lets states legislate the rights of its citizens. You don't think people in New Jersey have a right to restrict gun ownership?"

"I believe that the US should come up with one gun rights policy that we can all live with."

Quinn stared at Lowry. She shook her head as if expressing pity. The man probably owned a flip-phone.

"Ralph, you're in denial. There isn't any possibility that Americans can agree on gun policy, or abortion, or gay marriage, or school prayer. That's a fact, Ralph. You can wish for a different America if you want, but I accept the reality and I'm trying to work with it."

"Well, I'm not there yet, Fran, and I hope I never get there. My America is one country, where people work out their differences."

"And my America is the one that the founders envisioned, a union of states, each with its own laws and distinct identity. Every time we stray from that vision, bad things happen. That was the Civil War, Ralph. Six-hundred twenty thousand Americans killed, for what?"

"Slavery, Fran. The south wanted slavery."

"Slavery was already in decline by the 1860's. Another couple of decades and it would have disappeared. People in the north just couldn't accept that southerners had different ideas. They went to war over an institution that had been around since biblical times. We need to learn the lesson and stop trying to fit everyone in the country into a single mold."

Lowry could only shake his head. "Where's it going to end, Fran?"

"And," said Parks, "that will have to be a question for another Friday. Thank you so much Ralph Lowry of the Washington Post and Fran Quinn of the New York Times. We look forward to seeing

you both again next Friday.”

“And now we talk with Democratic Senator Franklyn Goom of California and Republican Senator Marsha Martins of Indiana, both of whom were involved in the negotiations that led to congressional approval of the amendment. Senator Goom, what can you tell us?”

Lowry rested his forehead against the glass tabletop.

“Come on, Ralph,” said Quinn, rising and removing the small microphone from her collar, “I’ll buy you a Scotch.”