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Statement on Constitutional Conventions

Society of American Law Teachers

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Society of American Law Teachers

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May 21, 1979

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TO: Professors Baker, Brest, Dore, Dorsen, Emerson,
Levin, and Rivera

FROM: David Chambers

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MARK G. YUDOF

We have, at last, mailed a membership plea to constitutional law teachers. Here's a copy of the letter that went out.

Thanks again.

DLC:tak

Enclosure

TREASURER
STUART J. FILLER

YALE UNIVERSITY
LAW SCHOOL
NEW HAVEN, CONNECTICUT

THOMAS I. EMERSON

May 11, 1979

Dear Colleague:

We who write you this letter are teachers of constitutional law. The AALS directory lists you as a fellow teacher. We write to urge you to join us in the Society of American Law Teachers. SALT is a small organization but more of its members -- over 100 -- teach constitutional law than any other single course.

We need your support and believe that you can benefit from our services. Here are a few examples of what we are doing:

Recently we issued a book on the first year of law school for persons considering or starting law school. Called Looking at Law School, it includes a chapter by Paul Bender of the University of Pennsylvania on constitutional law in the law-school curriculum. Upon joining, we would be glad to send you a copy.

We have held conferences on various aspects of legal education and plan to hold another before the end of the year, this one with special emphasis on the problem of persons in their first several years of law teaching.

We have started an exam exchange service for constitutional law teachers. Join us and send a couple of your recent exams. We will then provide you at cost a multilithed set of the exams we collect. We have informed our current constitutional law teachers of the service and many have already indicated a desire to participate.

We are in the process of producing a volume of essays on the first decade of the Burger Court.

We also try to follow congressional legislation bearing on constitutional issues and constitutional litigation -- legislation such as that bearing on citizen access to the federal courts to protect constitutional rights. We have also on occasion participated in litigation.

SALT needs your support now more than ever. We have about 350 members and operate almost entirely on our membership dues of \$25 per year. Dues thus produce less than \$10,000 each year, out of which we try to maintain the services of a part-time executive director and secretary and a large number of projects. Without the support of more teachers, we will have to cut back drastically on our activities.

Let us hear from you soon.

Paul R. V.
Patricia G.
Betty Levin

Thomas I. Emerson
Norman Dorse
C. Edwin Baker

Constitutional Law Section

I am very much interested in joining the Constitutional Law Section of The Society of American Law Teachers. Please find my check for \$25 enclosed to cover the first year's membership dues.

Name _____

Title _____

Address _____

School _____

Number of Years
Teaching _____

Send to: Society of American Law Teachers
Box 7906
Ann Arbor, Michigan 48107

June 2, 1978

Ms. Pat Beyea
American Civil Liberties Union
22 East 40th Street
New York, NY 10016

Dear Pat:

Here is the resolution passed by SALT's board. Make whatever use of it that you would like. We too may release it on our own. Let me know if you need further help in particular states or if you have ideas of uses we can make of the statement.

Warm regards.

Sincerely,

David L. Chambers
President

DLC:mwn
Enclosure

cc: Stephen Gillers
Robert Sedler

NORTHWESTERN UNIVERSITY
SCHOOL OF LAW
357 EAST CHICAGO AVENUE
CHICAGO, ILLINOIS 60611

Start file -

JALT -

Constitutional
Convention

May 9, 1978

Professor Robert A. Sedler
Wayne State University Law School
Detroit, Michigan 48202

Dear Bob:

Enclosed is a still shorter version of
the statement you prepared.

Yours truly,

Robert W. Bennett
Professor of Law and
Director of Research

RWB:ds
Encl.

cc: David Chambers

STATEMENT

The Board of Governors of the Society of American Law Teachers views with great concern proposals calling for a constitutional convention to amend the Constitution. Our concern is with the convention method of amending the Constitution. Under Article V of the Constitution, amendments may be submitted to the states for ratification either by a two-thirds vote of both houses of Congress, or by a constitutional convention, which Congress is directed to call upon the application of two-thirds of the states. All of the existing amendments to the Constitution have been proposed under the first method, and, in close to 200 years of constitutional history, the convention method has never been used to try to amend the Constitution.

Article V says nothing about how the convention method is to operate; as a result the use of that method would raise a host of unanswered questions. Probably the most serious such question is whether a convention may embark upon radical alteration of our Constitution beyond any proposal that motivated the states in calling the convention. The convention, for example, might well have the authority to repeal the Bill of Rights or change substantially the allocation of powers between the federal government and the states. Even a small risk of such a runaway convention is not worth taking.

The Board of Governors of the Society of American Law Teachers thus calls upon the legislatures of the states to adhere to the time-tested method of amending the Constitution and to avoid further action that might invite a constitutional crisis in this Nation.

TO: Elizabeth Bartholet, Bob Bennett, Howard Lesnick, and Steve Gillers
FROM: Bob Sedler
RE: Statement on Constitutional Conventions
DATE: May 24, 1978

Enclosed is the final draft that I sent to Dave Chambers. It is essentially Bob Bennett's revision of my draft with a few additions. Betsy raised the question of whether it was the sense of the Board that references to abortion should be eliminated. That was my understanding of what the Board wanted, and I checked it out with Dave Chambers, whose understanding was the same as mine. For this reason, I did not include any references to abortion in the final draft.

Thanks for your help.

STATEMENT

The Board of Governors of the Society of American Law Teachers views with great concern proposals calling for a constitutional convention to amend the Constitution. Our concern is with the convention method of amending the Constitution. Under Article V of the Constitution, amendments may be submitted to the states for ratification either by a two-thirds vote of both houses of Congress, or by a constitutional convention, which Congress is directed to call upon the application of two-thirds of the states. All of the existing amendments to the Constitution have been proposed under the first method, and, in close to 200 years of constitutional history, the convention method has never been used to try to amend the Constitution.

Article V says nothing about how the convention method is to operate; as a result the use of that method would raise a host of unanswered and greatly troubling questions. Probably the most serious such question is whether a convention may embark upon radical alteration of our Constitution beyond any proposal that was contained in the call for the convention by the states. The convention, for example, might well claim the authority to repeal the Bill of Rights or change substantially the allocation of powers between the federal government and the states. Even a small risk of such a runaway convention is not worth taking.

The Board of Governors of the Society of American Law Teachers thus calls upon the legislatures of the states to adhere to the time-tested method of amending the Constitution and to avoid further action that might precipitate a constitutional crisis in this Nation.

May 11, 1978

Ms. Patricia Beyea
Women's Rights Project
American Civil Liberties Union
22 East 40th Street
New York, NY 10016

Dear Pat:

The Board of SALT did pass a resolution on the issue of the constitutional convention. We left some touching up of language to a couple of Board members and I should be in a position to forward a final version to you in another week or so.

Unfortunately we will have no further newsletters to our membership until the fall. If you would like to have me include a paragraph or two in a newsletter mailed in September, you could send me some possible copy by August 20.

Sincerely yours,

David L. Chambers
President

DLC:mwh