

Proposals for a New Constitution

[The following document has recently come into my hands, and purports to be a proposal for much-needed Constitutional reform made by McGeorge Bundy to other high government officials, including the President. I have no way of vouching for its authenticity.]

Arthur I. Waskow

From: The Special Assistant to the President for National Security Affairs

To: The Thursday Luncheon Group on Vietnam

Many complaints have been heard from around the country that our present policy in Vietnam strains the spirit and letter of the Constitution. In order to salve the fears and quiet the consciences of those Americans who still believe in the old Constitution's antiquated provision that only Congress may declare war or in the antiquated assumption that democratic elections can be meaningfully democratic only if the choices put before the electorate reflect at least the basic real policies of the candidates, some Constitutional amendments relating to the war power may be necessary. It should be especially noted that several of the proposals below would salve fears and soothe consciences *without in fact interfering with our conduct and management of the war*, and so may be especially recommended.



First, to deal with the issue of Congressional declarations of war, including the pre-dated semi-declarations like that passed after the Tonkin Gulf affair last fall:

[ARTICLE XXV]

The Congress shall not have power to authorize in advance the President to declare war on its behalf, except in the following cases: (a) danger of thermonuclear war; (b) danger of escalated war; (c) danger of unjust war; (d) danger to vital interests of the United States; (e) danger to vital interests of the Free World; (f) danger to vital interests of allies of the United States. Women Strike for Peace shall have power to decide when the excepted cases (a) through (c) as hereinbefore described, shall apply; and the John Birch Society shall have similar power as to cases (d) through (f).

It should be noted that the first three exceptions are likely to be so broadly interpreted by Women Strike for Peace and the last three so broadly interpreted by the John Birch Society that practically all conceivable cases will be covered by one set or the other. Thus the amendment, while purporting to restrict the system of "predated declarations of war" which has grown up in the last decade, will actually give us a free hand with and in Congress.



Secondly, there have been a great many complaints that the President campaigned on a peace platform but, once elected, actually adopted the war policies of his opponent. Among ourselves, there is no point in denying this charge; the question is how to deal with it. I suggest that the following amendment would set the country's mind at ease, but through the Proviso in the third paragraph would prevent any interference with orderly means of misleading the people:

[ARTICLE XXVI]

No elector of President shall cast his ballot for any person who shall have stated that he deserves to be President on the grounds that "He kept us out of war," or that he would "never send your boys to fight in any foreign war," or that he would "never fear to negotiate," or that he would "seek only the war against poverty," or any similar phrase.

The American Legion shall have the power to define “similar phrases” as hereinbefore noted and to enforce this article by appropriate legislation. Provided, that this Article shall be inoperative as regards any elector who together with his ballot for a person of the sort described files an affidavit that he understands and believes such person will as President not take the actions necessary to prevent war. Such affidavit shall be marked “Top Secret—Eyes Only” and shall be read only by the President of the Senate when he is counting the votes of electors for President.

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inally, many people have complained that although we claim we are defending liberty in South Vietnam, the means we and our clients use and the kind of government we helped to create belie this claim. In order to deal with this issue, both now, as regards Vietnam, and for the foreseeable future, as regards other states, I would propose the following amendment:

[ARTICLE XXVII]

On the sixth day of January of every year, the Congress shall meet in joint session, each member casting one vote, to name those countries comprising the Free World. Provided, that in not less than any two countries out of any five so named shall principles equivalent to the First and Fourteenth Articles of amendment to this Constitution be applicable.

I have deliberately made the wording somewhat involved, but if the rest of you think it is asking too much for two-fifths of the Free World to have freedom of speech and religion, racial equality, etc., then we can make it one-fifth. Any less would, I think, make many people a little nervous.

One of the members of my staff proposed one other amendment, but I am afraid that this one would really bind our hands. Still, you may want to consider it:

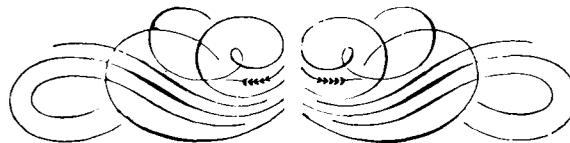
[ARTICLE XXVIII]

The Congress shall not declare, nor any President make, war in any country unless six of the place names thereof can be accurately pronounced by three-fourths of a panel of twelve persons selected by lot from among all the representatives of the press accredited in the Seat of Government of the United States.

The National Geographic Society shall have the power to enforce this article by appropriate legislation.

I will look forward to your suggestions and refinements on these amendments. My own feeling is that they could prove just as important to calming fears about war while allowing the effective management of American foreign policy as the three post-Civil-War amendments were for a century in calming advocates of racial equality while permitting the institutions of racism to recover.

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The
Last
Jew
in
America

by
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