ment created by the United States Constitution" (p. 151) and contending that his proposed "structural 'reforms' are virtually a carbon copy of those made by the Committee on the Constitutional System," a "'power' group," of Washington insiders, who want to "change our system of government and move us toward a parliamentary system" (p. 154). She also notes disparagingly that this Wilkey-ccs campaign to "totally restructur[e] our government" has been joined by Utah Governor Mike Leavitt and other advocates of the Conference on the States (pp. 161–162).

Edwin Meese disagrees with Schlafly about the merits of the Conference of the States, calling it "a new development with great promise" (p. 176). However, he does not think the time has yet come to convene another constitutional convention. While agreeing with much of Wilkey's analysis, Meese concludes that "because of recent events that demonstrate changes taking place within government [among them, the Republican electoral success using the Contract with America], as well as in the approach of the people toward their government, there may be alternative means [such as the Conference of the States] to achieve the same goals that the Judge sets forth, without resorting to the more drastic step of a Constitutional Convention" (p. 169).

Professors DeBow and Lee examine Wilkey's proposal using the insights of "public-choice" theory (a theory using "economic reasoning to analyze political and governmental processes," the basic premise of which is "that people in the political process act primarily to advance their own self-interest, in much the same way as they act in the marketplace" [p. 190 n. 2]). They share Wilkey's "preference for the Cincinnatus model over the status quo, but . . . do not agree that the professional political class model would be an improvement" (p. 188). They are also skeptical about the chances that a constitutional convention can fix the problems. Like many public-choice theorists, DeBow and Lee doubt the ability of any political body, including a constitutional convention, to come up with the right answers. (They assert that "[i]n virtually every instance, there is no 'correct' answer to a public policy question waiting to be discovered by well-meaning office holders" [p. 188]). Instead of the great statesmen that Wilkey believes would be attracted to a constitutional convention, DeBow and Lee "expect politicians to turn out in large numbers, with their eyes on, among other things, how the Convention's deliberations would affect their own future prospects, as well as the prospects of their political party" (p. 190). Their alternate solution is to revitalize the idea of limited government by requesting that members of Congress take a public pledge "not to vote for any governmental program or activity that cannot be squared with the enumerated powers of Congress set out in Article I, Section 8—*read as of the time of the Founding*" (p. 198). While the pledge would not be self-enforcing, DeBow and Lee believe that the voters would ultimately hold enough of the members accountable to make it meaningful.

"What we are now living in, and trying to make work, is a system designed for talented and capable part-time amateurs but filled with perpetual professional politicians."

Michael Stokes Paulsen addresses Wilkey's concluding chapter on the procedural questions arising out of a constitutional convention, and he goes Wilkey one better in two respects. Whereas Wilkey expressed the belief that Congress had limited power to bind the convention delegates, Paulsen concludes that Congress has no power to do so (pp. 203–207). Similarly, while Wilkey urges states to force Congress to convene a convention by calling for a convention under Article V, Paulsen asserts that two-thirds of the states (the constitutionally requisite number) have already done so, noting that 45 states have in place some kind of unrestricted, unrepealed application for a convention (pp. 207–209). For Paulsen, the call has already gone forth.

BRUCE C. HAFEN CALLED TO FIRST QUORUM OF SEVENTY

Just when the Law School thought that Bruce C. Hafen would be returning, President Hinckley had other plans. On April 6, 1996, Provost Hafen was called to the First Quorum of the Seventy. As third dean of the Law School and law professor for 23 years, it would be ungrateful not to express our feeling of loss; however, knowing of Bruce and Marie Hafen's talents, it would also be ungrateful not to share them with Latter-day Saints throughout the world.

Service to the LDS Church has been a part of Provost Hafen's life since his mission to West Germany in 1960. He was in private practice in Salt Lake City for four years after graduating from Law School, but he and Marie have been intimately involved in the Church Education System since 1971 when he became assistant to the president of Brigham Young University. His work in creating the Law School and assembling the initial student body and his years as dean have left a significant mark on the Law School. Through his years of service as president of Ricks College and university provost, the Law School has maintained a place for Bruce. It is always hard to fill the place of an exemplary dean, scholar, and teacher; it is not possible to fill the place of a trusted friend.

Wilkey responds briefly to each commentary (as one might expect, his response to Schlafly is the most extensive), taking the debate even one level deeper.

While most (but not all) of the specific proposals in the book have been expressed in one form or another in other publications, this book collects all these ideas in one place and provides some analysis of each. Moreover, Judge Wilkey's insights concerning the potential cause of our current struggles and the need to decide which basic model Americans want to adopt are valuable contributions to the ongoing discussion. The book thus serves as a valuable primer for understanding the terms of the debate that is beginning to be waged. Ultimately, however, the book is a call to action.

Instead of sneering at Congress or the President, as citizens we ought to be considering reforms to make these elected officials accountable, responsive, and effective. Instead of permitting the Congress and the President to abdicate so much of policy making to the courts, we ought to be devising–or revising–a framework to compel them to perform their constitutional duties.

Article V is the instrument by which the Framers thought their Constitution would be preserved. Article V is as much a product of their genius as are Articles I, II, and III. Yet the timid shrink from utilizing it. If we do not act now, who will? If now is not the time to act, when is?

Those who answer, "No one" and "Never," or who cannot answer who and when, are blatantly reading Article V out of the Constitution. If the intent of the Framers can be thus flagrantly violated, their masterwork will not survive. [p. 137]

These are strong words. At a minimum, they should cause us to reflect seriously and deeply. Wilkey's book clearly succeeds in that respect.

National Chair Honored with Appointment to Arizona Supreme Court

On March 5, 1996, Charles E. "Bud" Jones was appointed by Governor Fife Symington to fill a vacancy on the Arizona Supreme Court. The appointment crowns a distinguished 30-year career in labor and employment law with the Phoenix firm of Jennings, Strouss & Salmon.

Bud completed his undergraduate work at Brigham Young University in 1959 and graduated from the Stanford Law School in 1962. He is currently serving as national chair of the J. Reuben Clark Law Society. During his tenure, the Law Society has added two new chapters and increased its membership by nearly 300 members.

The screening process for nominees to the Arizona Supreme Court is an arduous one. The Commission on Appellate Court Appointments, a diverse citizen group, carefully chooses three candidates for the governor's final consideration.

Bud made his way through the process with aplomb. One group that opposed his appointment questioned the governor on whether Bud met the ten-year residency requirement. They argued that because of the three years Bud served as president of the France Paris Mission of the Church he did not meet the requirement.

The state Attorney General's Office concluded that he was a bona-fide resident. When asked about the opinion, Chief Justice Stanley Feldman suggested that residence does not always require physical presence. "It was quiet clear from the facts that he [Jones] intended to remain a resident here," Feldman said.

The chief justice also noted that Mr. Jones had even voted by absentee ballot in the elections held while he was mission president. In an article in the *Arizona Republic* the chief justice said that Bud has a "sterling reputation. He's a man of unquestioned integrity, a fine lawyer, active in all sorts of community and public affairs, and one of the most highly respected practitioners in the state."

Letters

Re: *Soldiers of the Spirit* by Elder Lance B. Wickman

Dear Editor:

As a veteran of many "white knuckles" lawsuits, I humbly express concern that *Soldiers of the Spirit* is idealistic. I love its concepts. I would love to always see them reciprocally implemented. However, many of our rising generation of lawyers, in their efforts to implement the lofty principles outlined by Elder Wickman, may be disadvantaged in the real world of legal combat.

If your adversary resorts to tactics which in your honest evaluation are abusive of the legal system, when do you "get tough"? Consider this: With the original complaint in a personal injury case discovery is filed seeking, inter alia, a copy of the liability insurance carrier's policy. A specific rule of procedure authorizes the discovery of this document. Your opponent objects to its production on the basis that it is "not relevant." An abecedarian knows better. Would you conclude that the objection is asserted to harass, cause unnecessary delay, or needless increase in litigation? (See Rule 11, FRCP) I did! I always have! I ever shall! "The decided are always gentle," but sometimes they have to be "as stout as Aunt Nellie's breath"!

Let me be clear. I believe in Christ. I believe that his way of life is the only true way to happiness. I want to discourage litigation. I want to resolve civil conflicts amicably. I embrace the conceptual correctness of Elder Wickman's article, but brace yourselves! Do not waste your time trying to handle cranky opponents with kid gloves. Resort to the compulsion available within the system. I am not offended if you disagree. Do not be offended with my position. May your professional career be void of conflict, contention and all "white knuckles" encounters. But if it is not, *do not think you have failed as a Christian. All* (even *good* Christians) engage *unavoidably* in such encounters many times in a legal career. Celestial principles can only be implemented in a telestial world if all concerned are willing. The vast majority usually are not so inclined!

Sincerely,

H. Deloyd Bailey
Provo, Utah