

HOW TO CURE THE FEDERAL FISCAL MESS

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THE PROBLEM:

A dysfunctional federal government headed toward bankruptcy with no plan to change course.

THE SOLUTION:

A tool the Founders themselves gave us so the people, acting

through their state legislatures, can come to the rescue.

has one vote. The commissioners debate and decide whether to propose one or more amendments within their assigned topic. If they propose an amendment, then 3/4 of the states (38 of 50) must ratify it before it becomes law.

THE BACKGROUND

Our American Founders knew that abuses might eventually creep into the system. So they added a vital safeguard to the Constitution: Article V, which empowers the people, through their state legislatures, to propose corrective amendments. The Founders inserted this procedure specifically for times when the federal government becomes abusive or dysfunctional.

HOW IT WORKS

At the request of their constituents, 2/3 of state legislatures (34 of 50) pass resolutions called "applications." They direct Congress to call a meeting of the states to propose one or more corrective amendments. The Constitution's name for the meeting is "convention for proposing amendments." Most applications call for a specific kind of amendment, such as a balanced budget amendment. About a third of the states already have passed balanced budget applications.

When 34 legislatures apply, Congress is required to call the meeting. Congress specifies the time and place. All 50 state legislatures choose delegates to attend. (Delegates are called "commissioners") At the convention, each state

HOW THIS CAN HELP

Sometimes our country has faced a crisis that only constitutional amendments can solve. Our Bill of Rights was a response to such a crisis. So was the constitutional amendment that abolished slavery, the amendments that guaranteed equal treatment for minorities, and the amendment that gave women the vote. In all these cases, Americans worked hard for reform, but it still took a constitutional amendment to do the job. Just speaking out and electing good people was not enough.

HOW YOU CAN HELP

Consider contacting your state lawmakers and tell them you want them to pass an application for one or more amendments to correct our federal fiscal problems. Consider asking for a balanced budget amendment (<http://www.bba4usa.org/>) or a similar proposal, such as the National Debt Relief Amendment (<http://www.restoringfreedom.org/>). Consider donating to the Independence Institute's Article V project.

FREQUENTLY ASKED QUESTIONS

Q. Is this meeting to propose an amendment a “constitutional convention?”

A. No. None of the three kinds of conventions authorized by Article V is a constitutional convention.

Q. What’s the difference?

A. A constitutional convention is authorized to write a new constitution. A convention for proposing amendments is limited to writing and proposing specific amendments under rules specified by the Constitution and instructions from the state legislatures.

Q. Why not just elect good people and tell them to cut spending?

A. We’ve taken that approach for many years, but it hasn’t worked: America is in more trouble than ever. A recent poll showed that 75% of Americans want to cut spending across the board, but because of how things work in Washington, D.C., Congress doesn’t respond. Just as we needed an amendment to end slavery or to allow women to vote, we’ll need an amendment to force Congress to budget responsibly.

Q. Has the process ever been used?

A. Yes and no. State legislatures have issued hundreds of applications on various topics, and some of these have pushed Congress into proposing amendments of its own. But there have never been 34 simultaneous applications on any one topic. One reason the system isn’t working today is precisely because we haven’t used the safeguard the Founders gave us.

Q. If a convention has not been held, how do we know what the rules are?

A. The convention for proposing amendments is modeled on many similar meetings held before the Constitution was adopted. Their procedures

form the law of Article V. The states used the same procedures again when they met in the Washington Conference Convention in 1861 to try to head off the Civil War. Also, we have over two centuries of experience with the other conventions authorized by the Constitution. And there are many Article V court decisions, including U.S. Supreme Court decisions.

Q. What happens if Congress simply shirks its duty to call a convention?

A. Such a refusal is unlikely because it would trigger constitutional crisis. But if it happened, the courts could order Congress or its officers to act.

Q. Could a convention ignore its limits and stray into other areas?

A. There are multiple safeguards to make sure this doesn’t happen. The convention’s delegates are subject to law, to the courts, to the instructions from their state legislatures, and to the ratification process. Claims that a convention might “run away” seem to be based on resistance to reform, ignorance, or perhaps (in the case of some groups) to a desire to raise money by scaring people.

Q. What happens if we don’t act?

President Buchanan and President-elect Lincoln each urged the states to propose amendments to avert the Civil War, but they didn’t act fast enough, and the result was national disaster. If the states don’t respond soon, the likely result will be fiscal disaster, and destruction of the American standard of living.

Q. Where can I learn more?

A. A Handbook for lawmakers and citizens is at <http://www.alec.org/publications/article-v-handbook/>. See 32-35 for more Q&A. Short essays on Article V process and links to longer articles, are at <http://constitution.i2i.org/category/article-v-convention/>.