

# 2016 should be about Article V and amending the Constitution

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How about trying Article V first? That's what it's there for. [Senator Marco Rubio](#) and Texas [governor Greg Abbott](#) are just the latest to see the light.

The Framers foresaw this day, when the federal government itself is the greatest threat to our liberty. All the mechanisms of limited government, federalism, and separation of powers – the true genius of the Constitution – that they so carefully drafted have been ignored or discarded. What's left is an unaccountable, unreformable, power-mad colossus in Washington that reigns over a population seething with impotent resentment.

Donald Trump is the symptom of our time, but he is not the answer. In fact, none of the presidential candidates is. A permanently corrupt Congress awaits the next president, as addicted to its perks and power, and as resistant to real reform, as it has ever been. The real power in Washington lies with Congress, whenever they choose to exercise it. The president can't write laws, no matter what Obama thinks. The president can't change the tax code, or effect true regulatory reform, or do almost any of the innumerable reforms that are needed. Only Congress can do these things. And, just as important, the president cannot propose the kinds of constitutional amendments needed to return our country to true constitutionalism. (Mark Levin's *The Liberty Amendments* sets them out.)

Why would anyone believe Congress would ever actually propose such amendments? They've been trying to pass the least controversial – a Balanced Budget Amendment – for 40 years without success. We have structural problems in this country that require structural, institutional change – change that only amendments to our Constitution can provide. Amendments that Congress will never propose.

Yes, this is exactly the situation the Framers foresaw, and provided for – with Article V, a way for the states, and the people, to circumvent Congress and propose amendments directly.

The actual power under Article V is given to state legislatures, who can hold an Amendment Convention when two thirds of them can agree on a subject. At the moment, 27 have agreed on one such topic: a Balanced Budget Amendment. While the BBA enjoys broad bipartisan support from voters, elected Democratic legislators are largely opposed. As a consequence, for five years, we have been unable to secure a floor vote on our Article V BBA resolution in any legislative chamber controlled by Democrats.

But the electoral waves of 2010 and 2014 have given Republicans total control of 31 state legislatures, with [Kentucky about to become the 32nd](#). As a result, we have ten states (Virginia, West Virginia, South Carolina, Wisconsin, Oklahoma, Montana, Wyoming, Idaho, Arizona, and, soon, Kentucky) that have thus far failed to pass the BBA resolution, even though the Republicans are in complete control.

The BBA Task Force has efforts underway in nine of these states and feels confident that seven are within reach. As an organization, we've been working on this project for six years. We've learned how to succeed and have laid the necessary groundwork in our target states. We're poised to start adding to our total of 27 in February. If we get to 34, the first Amendment Convention in American history will take place at a time and place to be determined by Congress.

Paranoia about a "runaway convention" is the only serious obstacle we must overcome. But that Republican surge at the state level over the last six years has produced so many conservative, Republican legislatures that they will completely dominate any Convention and be able to easily beat back any attempt to take up subjects not included in its call. The leadership of these legislatures is the most conservative group of elected office holders in the country. They deal constantly with the results of a federal government with no restraints, controls, or accountability. They are the leaders of the Article V movement, who will draft the proposed amendments and spearhead the campaign for ratification.

If and when that occurs, a peaceful political revolution will have occurred. The states, using the power granted them by Article V, will at last have stepped forward and asserted their rights as the overseers of the federal government. A historic political intervention will have occurred, permanently altering the balance of power between the federal government, and the states, or the people. This is the essence of American federalism, a power-sharing arrangement with ultimate sovereignty residing in the states.

The election of 2016 is shaping up to be as momentous as 1920, the most one-sided political landslide in American history. As then, all the forces are aligned. After eight years of Obama, the Democratic Party is hollowed out; its candidate distrusted and disliked, corrupt and inept; its program stale and reactionary. It stands as the party of government at a time when government is held in almost universal disrepute.

In my threescore and ten there has never been a political opportunity such as this. It won't be enough to win. A victory must be fully exploited, and the fruits of the victory made permanent. That can be done only through constitutional change.

And this will be done only through Article V.

***Fritz Pettyjohn was chairman of Reagan for President, Alaska, 1979-1980; is a co-founder of the [Balanced Budget Amendment Task Force](#); and blogs daily at [ReaganProject.com](#).***