

Who's Afraid of an Article V Amendments Convention?



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Rachel Alexander | Mar 11, 2012



Every so often talk arises about holding an Article V Amendments convention amongst the states to amend the Constitution, since Congress has become increasingly unaccountable. In reaction, dire warnings spring up declaring that a “constitutional convention,” or “con con,” could result in a runaway convention where radical changes are made that fundamentally rewrite our Constitution. Are the doomsday warnings legitimate, or simply scare tactics to block desperately needed reforms?

Legislation is currently being considered in most state legislatures that would begin the process of adopting a National Debt Relief Amendment. Once ratified, it would prohibit Congress from increasing the federal debt unless a simple majority of the states approve. So far, North Dakota and Louisiana have passed the initial legislation with bipartisan support in both chambers of their state legislatures. Ultimately, 38 states will need to ratify the amendment. The language of the proposed amendment is very simple, “An increase in the federal debt requires approval from a majority of the legislatures of the separate states.”

Article V of the U.S. Constitution lays out the process by which amendments are added to the Constitution. Amendments may be proposed by either the states or Congress. Throughout America’s history, amendments have only been proposed by Congress. If proposed by the states, an amendment must then be ratified by three-quarters of the states or by conventions within the states. It is the initial convention called for by the states to propose amendments that naysayers, including some on the right oddly enough, claim may cause dangerous changes to the Constitution, even though it has **never** happened before.

The Founding Fathers rejected initial drafts of Article V that would have permitted open-ended conventions, and instead adopted [very narrow, precise requirements](#). They rejected language *four times* that would have provided the mechanism for a full constitutional convention. In Federalist No. 85, Alexander Hamilton explained that states did not need to call for a full constitutional convention since Article V provides full power to amend the Constitution. James Madison specifically supported the use of Article V in Federalist No. 43. Accusations that an Article V Amendments convention will result in a full-blown “constitutional convention” or “con-con” are not correct. There is no such thing as a constitutional convention – it can be found nowhere in the Constitution.

The Goldwater Institute, considered the premiere state-based right-leaning think tank in the country, has published [numerous papers](#) explaining why an Article V Amendments convention to consider the National Debt Relief Amendment should not be feared. Nick Dranias, Director of the Goldwater Institute’s Center for Constitutional Government, wrote an essay entitled “Runaway Convention Myth Debunked,” in which he relayed the history of Article V, declaring, “Despite claims made to the contrary, the truth is that Article V does not provide authority for a foundational constitutional convention. The Founders specifically and repeatedly rejected efforts to substitute the current Article V language to allow for a foundational constitutional convention to be called.”

The National Debt Relief Amendment proposes only one amendment, specifically limiting the convention to consideration of that amendment only. Throughout each step of the way the process is set up to focus on one specific amendment; it is not like a flurry of amendments can be introduced at the last minute and shoved through. First, 34 states must pass resolutions proposing the exact same amendment. Next, delegates to the convention are selected by the state legislatures. Delegates that disregard their mission can be recalled and replaced. If there are attempts to consider things outside the scope of the proposed amendment at the convention, lawsuits can be filed to halt this activity, or Congress can refuse to send the results to the states for ratification. Finally, 38 states are required to ratify the results. 38 states are very unlikely to ratify something nutty – not even 10 states would ratify something nutty.

I received a [shadowy email](#) from an unidentified organization on Tuesday urging readers to oppose the bill in Arizona’s legislature. Why was the email anonymous? The opposition did not bother to speak up at the Arizona legislature’s committee hearing earlier this session against the bill. Nor did they at the Idaho legislature. Why are they afraid to debate their position publicly?

State Senator Curtis Olafson (R-Edinburg, N.D.) is leading the effort to pass a National Debt Relief Amendment through [RestoringFreedom.org](#). He participated in Harvard’s [Conference on the Constitutional Convention](#) last fall, which included viewpoints from all across the political spectrum addressing the feasibility of an Article V Amendments convention. As part of the conference, the audience was permitted to suggest amendments. When some extreme sounding amendments were proposed, the speakers and the rest of the audience ignored the proposals. Olafson believes this is representative of how delegates chosen by state legislatures to conduct an Article V Amendments convention would treat radical amendment proposals. “Well-respected people would not suddenly develop collective insanity and go against instructions from state legislatures,” Olafson said. “Fearmongers like to speculate crazy scenarios.”

Congressman David Schweikert (R-AZ) [introduced](#) legislation in January at the Congressional level to start the amendment proposal. State Senator Art Wittich (R-MT), who is leading the effort to get the legislation passed in Montana, applauds concurrent federal legislation, but says that getting the amendment through Congress will be tougher. “It is politically easier for Congress to cut taxes than the budget, an inherent imbalance, and there is no incentive to exercise fiscal responsibility,” Wittich says. “Getting new members elected to Congress who would support this amendment is difficult since incumbents have vast advantages in elections due to redistricting, franking, etc. Since many states already prohibit deficit spending, they are

already inclined to support this."

It is disappointing that opponents are using fear to scare people – opponents who do not even have the guts to identify themselves. Article V is possibly the only tool we have left to fight the unaffordable expansion of federal government. Most of the 50 states are now [considering](#) National Debt Relief Amendment legislation. Tea Party groups and anyone concerned with the government's runaway spending should lobby their legislatures to pass this legislation. Some of the states are also considering a balanced budget amendment. This is another amendment that will help rein in spending and would be easier to push through state legislatures than through Congress.

Senators Olafson and Wittich believe that detractors have it backwards. "People should fear the status quo of out of control spending more than they should fear an Article V Amendments convention," Wittich said. Senator Olafson expanded, "For those who preach fear about a runaway convention, we have a runaway convention right here in front of our eyes, it is a runaway Congress with out of control spending, czars, and Obamacare. It was clearly the intent of the Founding Fathers that we, as state legislators, would understand that not only do we have a right to use Article V, but moreover, that we have a *duty* to use Article V when we see a serious challenge facing our nation that is not being solved by Congress."

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