



Written by on June 8, 2011

## In the Founders' Corner A Balanced Budget Amendment?

Do we need a "Balanced Budget" Amendment? NO! A constitutionally sound, informed electorate could quickly bring about the conditions that would allow the nation to balance the federal budget and end deficit spending. Thomas Jefferson wrote: "A nation that expects to be ignorant and free ... expects what never was and never will be." The voters must come to understand that it is our responsibility to make certain our Representatives honor their oath of office and keep their actions constrained within the scope and bounds established by the Constitution (no, the Constitution does not say "from each according to his ability, to each according to his need" — that was Karl Marx).



Put simply, if Congressmen were simply to honor their oaths of office to abide by the Constitution, the deficit problem would take care of itself. But were they to fail to do so, the only way the budget would be balanced is through a combination of gimmickry and higher taxes.

Currently, upwards of 80 percent of expenditures authorized by Congress and insisted upon by the executive branch (at the pandering insistence of the voters) violates the U.S. Constitution. Whether it is unconstitutional military "adventurism" around the world, foreign aid, ever-expanding entitlement programs, or redistribution of wealth to States, corporations, communities, or individuals, none of these activities is allowed by the Charter of the Nation. Immediate steps must be taken to curtail these encroachments. "Sunset" clauses must be incorporated into all entitlement programs, and no additional entitlement programs authorized. No Balanced Budget Amendment is necessary if we insist that our elected Representatives keep their actions (and expenditures) within the bounds established by the United States Constitution!

In November 2010, using the power of the ballot box, we could have removed *all* of our unfaithful U.S. Congressmen and 1/3 of our Senators. A year from now we again have the opportunity to do the same thing, and also cleanse the executive branch.

There are currently a number of proposed Balanced Budget Amendments that have been introduced in the House and Senate. Each of these potential proposed Balanced Budget Amendments contains a number of fatal flaws: They all allow deficit spending based upon agreement of 60 or 67 percent approval of both houses of Congress (depending upon the amendment being considered). With this stipulation, 60 Senators and 261 Congressmen, or 67 Senators and 292 Congressmen may approve a deficit budget. Because most Senators and Congressmen support the unconstitutional idea of buying votes back home by delivering largess out of the public treasury to their constituents, it is not hard to see how most budget votes will easily attain the required threshold as pork is added to the budget to buy the vote of a Senator or Congressman so that he can buy the votes for himself back home! The



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practice of adding additional expenditures to buy the votes of reluctant Congressmen will continue at an even greater rate than it has in the past. Historically, most budget votes have easily attained a 60 percent approval threshold. So we can see that unless Representatives are willing to keep their actions within constitutional bounds, most budgets will exceed the available funds, and the result will be further deficits in spite of the Balanced Budget Amendment.

And if the Balanced Budget Amendment is in place, and when the required deficit-allowing threshold is not attainable, but the majority still want to spend the money they feel they need to spend (usually for items and issues not constitutionally allowed, but for such items as entitlement programs, stimulus packages, etc., and which they think are “important” for them to get reelected), they will wring their hands in impotent despair and bemoan the fact that the Constitution now requires the budget to be balanced; therefore, they will be required to raise taxes to cover the expenses, which they may do by meeting another vote threshold. Even those who prefer a tax increase to a budget deficit will at some point reach the breaking point where they will no longer be able to sustain themselves because the government has devoured their entire living (“He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.” — Declaration of Independence). The proposed amendments also allow the national debt ceiling to be raised with approval of 60 Senators and 261 Congressmen.

Additionally, all of these provisions may be set aside with the approval of 51 Senators and 218 Congressmen if the United States is involved in a declared war. More astounding, however, is the provision that allows continued deficit spending if 60 Senators and 261 Congressmen can be frightened into the belief that there is a serious threat to national security — made fearful enough to vote to suspend the Balanced Budget Amendment. If this provision seems reasonable, consider how rare the moments are in recent decades where the fearmongers have not promoted the idea that we are in a constant state of some kind of threat ( la the TSA’s grope and nude photo-op sessions every time you fly). Consider the fright-frenzy that led to the passage of the Fourth Amendment-destroying USA PATRIOT Act in 2001 (House vote: 357 yeas, 66 nay; Senate vote: 98 yeas, 1 nays), and its recent renewal (House vote: 250 yeas, 153 nays, 28 not voting — for special favors could 11 more yeas have been bought? — Senate vote: 72 yeas, 23 nays, 5 not voting). The lopsided votes associated with the passage of a host of other freedom-destroying “national security” issues such as the fabricated fear that drove the passage of the 2002 Iraq War Resolution and the Military Commissions Act could also be cited. Food for thought!

In addition, it would be a miracle if the national leadership did not regularly resort to spending “off budget” (which is currently a common practice for “important” expenditures that they do not want to have calculated in the national debt for various reasons).

Today’s politicians have buried the nation in debt. They have done this by ignoring the constitutional limits of their power, acting as though they have power to tax and spend for any whim that strikes them. They tax trillions of hard-earned dollars each year from the citizens of this land, only to spend hundreds of billions (and even trillions) more each year than they collect. Sadly, most of the spending is not authorized by the United States Constitution.

There is an additional extreme danger we must associate with the effort to obtain a Balanced Budget Amendment to the Constitution: We may be certain that in the current political world a Balanced Budget Amendment will not garner the constitutionally required two-thirds majority of both houses of Congress and ratification of three-quarters of all states to become an amendment. Consequently, as the



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call for a Balanced Budget Amendment increases in popularity among the good and caring people of the nation, they will become frustrated with Congress and call for a constitutional convention as provided for in Article V of the Constitution. In 1983, the United States came within two states of calling a constitutional convention, as the popular outcry for a Balanced Budget Amendment pushed the nation dangerously close to a Constitution-destroying constitutional convention. If that happens, we will lose the entire Constitution, as a new one will be written and brought forth (as happened in 1787 during the only other constitutional convention this nation has experienced). In the current political environment, with the current lack of soundly principled statesmen, and with the current state of ignorance among the electorate, we must *not* be led into the trap of a con-con!

The solution is a return to the constraints of power on the federal government that exist within the U.S. Constitution. The problem is not with the Constitution. The Constitution is not flawed. It does not need to be changed in order to bring spending under control. The problem is that we have stopped applying the Constitution. We do not have to amend the Constitution to solve this problem, and we do not have to risk a con-con to bring things back into proper order. The solution is to begin again to abide within the constraints so carefully defined within the plain English words of the U.S. Constitution. James Madison stated that the powers of the national government were “few and well defined.” Perhaps, when the people of the nation again understand that fact, the nation’s leadership will be compelled to abide by their oath to uphold the Constitution of the United States.

Hopefully, the electorate will become soundly grounded “constitutionalists” who will vigorously insist that their Representatives abide by their oath to uphold the Constitution, and that they will not hesitate to remove from office any and all who violate that strict oath.

*Scott Bradley, a candidate for the United States Senate in 2006 and 2010, holds a Ph.D. in Constitutional Law. He is the founder and chairman of the Constitution Commemoration Foundation, Inc., and is the author of a book and DVD/CD lecture series entitled To Preserve the Nation.*



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