



Written by [John F. McManus](#) on January 28, 2016

The Flawed Balanced Budget Amendment

Texas Governor Greg Abbott [favors creation of a constitutional convention](#) in order “to fix the cracks in our broken Constitution.” He is not alone in wanting such a gathering. But our nation’s problems don’t stem from a broken Constitution. They stem from legislation approved by leaders who have broken their solemn oath to abide by the Constitution’s limits on government.



Governor Abbott’s claims include his belief that the Constitution grants power to conduct a “convention of the states.” Such terminology does not appear in the Constitution’s Article V. If two-thirds of the states petition Congress to create a convention, it must indeed be created. And Congress, not the states, will have power granted in the Constitution’s Article I, Section 8, Clause 18 to decide where it will be held, who and how many will be the delegates from each state, who will pay them, and more. To call a constitutional convention a “[convention of the states](#)” displays ignorance of the Constitution itself.

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Further, like most advocates of a constitutional convention, Governor Abbott, who proposes nine different amendments, wants to add a [Balanced Budget Amendment \(BBA\)](#) to the Constitution. Balancing the budget is a good idea and the nation would be better off if the federal budget were balanced each year. But the numerous BBAs proposed are so full of loopholes that they make these proposals virtually meaningless. Each BBA proposal has one or more of the following flaws:

1. Expecting government officials to honor an amendment — however well intentioned such an expectation might be — when they currently refuse to honor the existing Constitution is an absurdity.
2. Some BBAs allow 60 percent in Congress to override the requirement for balancing the budget. Getting 60 percent for other outrageous measures is a regular occurrence.
3. Various BBAs make no mention of the growing problem resulting from declaring some huge expenditures “off budget.” Use of this tactic makes a joke of a balanced budget mandate.
4. Some BBAs call for increasing taxes as a way to balance the budget, even steering taxing authority to the Executive branch.
5. Proponents of some BBAs want a stipulation that the budget need not be balanced if there’s a war, or a real or cleverly contrived national emergency.



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6. Various proponents say that a BBA won't have to take effect for five years or more — thereby sanctioning the addition of more trillions to the nation's already enormous indebtedness.

7. Finally, balancing the budget ignores already accumulated indebtedness requiring billions annually for interest payments.

There are likely other flaws in the various proposals calling for a Balanced Budget Amendment. What's lost in all of this discussion is that an amendment should be considered if the Constitution is found deficient or in error. But the U.S. Constitution isn't at fault; the fault lies with government officials who ignore the Constitution's existing limitations.

If the Constitution as it exists today were honored by our nation's officials, the federal government would shrink to 20 percent its size and 20 percent its cost. Gone would be foreign aid, and the Departments of Education, Housing, Transportation, Energy, Health and Human Services, and more. These government programs and agencies are not and never have been constitutionally authorized.

We have made no mention of the danger involved in the creation of a constitutional convention. Let's simply say that, just as occurred in 1787 when a convention met simply to revise the Articles of Confederation and the delegates tossed the Articles away and came up with a whole new Constitution, such an eventuality could occur in these times, and we could lose the Constitution we have. A con-con is a dangerous route that should not be followed.

Be sure to [contact your state legislators](#) to ask them to oppose a constitutional convention.

John F. McManus is president emeritus of [The John Birch Society](#). This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.



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