



Written by [Joe Wolverton, II, J.D.](#) on February 22, 2014

## Article V Group Ignores States' Complicity in Federal Power Grab

Of all the misrepresentations often repeated by the pro-Article V constitutional convention proponents, one of the most important is the “states as victims” mantra.

For example, on its Frequently Asked Questions (FAQ) page, the Convention of States (COS) organization writes:

“Washington, D.C., is broken. The federal government is spending this country into the ground, seizing power from the states and taking liberty from the people.”



Of the four claims made in that statement, three are admitted as true: First, D.C. is broken; second, the federal government is spending us into perpetual poverty; and third, federal officials in all three branches are denying Americans of fundamental liberties they and their ancestors have enjoyed for over a millennium.

However, the claim that the federal government is “seizing power from the states” cannot be stipulated to without falsely portraying states as victims rather than as accomplices to these crimes against the Constitution.

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States, on average, receive one-third of their annual budget from the federal government. According to data collected in 2013, Mississippi receives nearly half of its money from D.C., followed closely by Louisiana and Arizona.

No one would argue against the assertion that governors and state legislators are addicted to the “free” federal money. The problem, however — and somehow the Article V/Convention of States people don’t want to admit it — is that this money isn’t free. As Tad DeHaven of the Cato Institute explained, responding to a report about Indiana’s [dependence on federal largesse](#):

The appeal of federal funds to governors is obvious: They get to spend additional money without having to raise taxes on their voters to pay for it. A problem with this arrangement is that it creates a fiscal illusion — state taxpayers perceive the cost of government to be cheaper than it really is. In effect, the federal money and a large part of the annual budget appears to be “free.”

But Hoosiers should be mindful that every dollar Washington sends to Indianapolis is a dollar taken from taxpayers in Indiana and the other states. (The return is actually less than a dollar since the federal bureaucracy takes its cut.) The situation is no different when the federal dollars go instead to, say, Sacramento. In addition, economists have found that federal subsidies to the states lead to higher state taxes and spending in the long-run because the federal “seed money” creates a demand for more government.

More government. That is what happens every time the governor of a state cashes one of those million-dollar checks from Congress. And that is hardly the behavior of a victim. The federal government has



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not “seized” power from the states; the states have sold their birthright of sovereignty for a mess of federal pottage.

At [The New American](#), we have chronicled for years the co-opting of local police by the Department of Homeland Security. Millions of dollars in grants are given to local law enforcement and in exchange the police hand over control to their federal overlords. In fact, we have reported that the police’s addiction to the arsenal of military-grade weapons and vehicles on offer from DHS is such that many departments have officers whose sole daily duty is to fill out grant applications. Is that the behavior of a victim?

One thing the “Convention of States” supporters must admit, if they are to remain intellectually honest, is that state legislatures have sold their sovereignty, not had it stolen from them. If states wanted to “free” themselves from this situation, they could do so almost immediately by exercising the one and only remedy that is simultaneously legally, historically, and constitutionally sound — nullification.

Curiously, though, COS proponents deny that states possess the power to disregard acts by the federal government that exceed its constitutional authority. This position is made even odder when combined with the fact that the COS plan relies on states to save us from the federal government. If states refuse to throw off the federal yoke through the [plain and powerful program of nullification](#), why should we count on them to suddenly step up and reassert sovereignty in an amendments convention?

In fact, given the irrefutable realities of the economic relationship between federal and state governments, isn’t it more likely than not that state delegates elected to attend an Article V convention would fiddle with the Constitution so as to improve their access to the national treasury?

Would a right-thinking person rely on a crack addict to punish the pushers?

Constitutionalists see through the ruse and recognize the myriad threats to liberty and challenges to logic posed by an Article V convention. The truer course, they understand, is to fill the state legislatures with men and women committed to upholding the constitutional concept of federalism and to refusing to sell sovereignty for any amount of Federal Reserve notes.

These constitutionally minded legislators will be the “bulwark of liberty” the Founders intended them to be and will refuse to acquiesce to any federal program that would make them co-conspirators in the murder of the Constitution and the freedoms it protects.

Let’s take a few steps toward that goal today by, first, admitting that the states are not passive victims of any federal seizure of their power; second, state legislators willingly and consistently sell their citizens’ birthright of sovereignty for a mess of federal pottage; third, every day in state houses across the country, state legislators compete for a preferred place at the federal feeding trough; and finally, nullification is the best and most constitutionally sound method of returning power to the states, as the Founders intended.

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