



Written by [Joe Wolverton, II, J.D.](#) on February 3, 2014

Compact for America Proposal Could Increase Federal Power

On Friday, January 31, Chip DeMoss, president and CEO of the Compact for America, Inc., e-mailed a letter to “Supporters of Compact for America” announcing a series of articles the group would be publishing in the coming weeks.

Although he admits that with regard to Congress’ addiction to spending “there is nothing that will stop this action and the addiction will continue to get worse,” DeMoss goes on to promote the “intervention” of the states and the people as a way to force Congress to “changes [sic] its errant ways.”



By now, most people are aware that the specific type of intervention preferred by the Compact for America is a convention of states called under the authority of Article V of the Constitution for the purpose of considering a balanced budget amendment.

About a year ago, this author wrote [an article exposing the danger to our Constitution posed by the Compact for America](#).

Among the threats highlighted in that article was the possibility that delegates to a convention of the type supported by Compact for America could disregard the limits placed on their power and we could end up with a Constitution changed just enough to permanently protect and preserve the monied interests that support the convention, rather than the unalienable rights revered by our Founders. (For details of how such a scenario could happen, see the original article).

In response to my criticisms, the Compact for America’s Nick Dranias laid out some “facts” exposing my “meritless” claims, encouraging conservatives to join the clamor for a con-con. Looking at a few of the “facts” Dranias mentioned will reveal that many of the people pushing for this constitutional convention purposefully misrepresent the power already possessed by the states to stop the madness in Washington, D.C. and force Congress back into its constitutional cage.

First, Dranias writes:

More than any other policy, unlimited debt spending is the source and enabler of an overreaching federal government. Cut the spigot of limitless debt spending and you will create a structure that forces a debate over the legitimate functions of the federal government that will otherwise be easily evaded. Nullification in any of its forms is a purely defensive maneuver and cannot limit federal debt spending.

Purely defensive and unable to limit federal debt spending? False.

A common claim by the con-con supporters is that nullification can’t work. But states may and must reclaim their right to stand as guardians of our Republic. Of course, most governors (who would serve



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as delegates at the CFA's vision of a con-con) could "cut the spigot" by refusing to cash the checks sent to them by Washington, D.C. That's not likely to happen, though, right? Rather than boldly declare the independence and sovereignty of the states, many governors would prefer to shake their fists at the federal government with one hand and cash the kickback check with the other.

This duplicity allows the governors to appear to be mad at Washington, while actually fighting behind the scenes to secure their preferred spot at the federal trough.

Why, then, does the Article V convention choir continue singing the same tune? Why do they sing that one note that purposefully ignores the positive power of states to consider as null, void, and of no legal effect any act of Congress that exceeds the limits on its power? Probably because so many of their proposals actually increase the power of Congress rather than restrain it.

For example, under the heading "State approval restores the Constitution," Dranias explains how the out-of-control spending will somehow stop by providing for an increase in the spending limits:

By requiring state approval of any increase in the federal debt above a hard constitutional debt limit, the CFA's BBA gives the states back a portion of the original power they had to check and balance Washington before the 17th Amendment. It should not be forgotten that before the 17th Amendment, states controlled the U.S. Senate, giving them authority not only over debt spending but all federal policies. Returning the states to a role in making federal policy is hardly "tinkering," as claimed by Wolverton. It moves the Constitution dramatically closer to its original design, while targeting the state's engagement in federal policy to a clear problem area.

Curiously, although Dranias doesn't believe that state nullification will do anything to control Congress, he does believe states could be counted on to approve increases in congressional spending.

True constitutionalists, those without any sort of corporate connection or political patronage, realize that there is no reason to provide for any increase in the federal debt spending, not by Congress or by the states. In fact, if the states would cut the cord as I described above, the federal government wouldn't be eating for two.

Constitutionalists know that the answer is the Constitution as written, not the Constitution as changed by socialists, "conservatives," RINOs, or those select lawmakers, lobbyists, and scholars considered "morally and intellectually capable of re-writing the Constitution" as some have claimed.

Of course, Dranias is correct that repeal of the 17th Amendment would go a long way toward restoring the balance of power between states and the federal government. That has nothing to do, however, with the power the states still have to start severing the arms of the federal kraken.

We don't need elite delegates chosen by rich and influential activists to re-write the Constitution in order to check the federal assault on liberty. We need only to enforce the Constitution as written, preserving it from the tinkering of the billionaires and scholars who will stop at nothing to accomplish the "grassroots" goal of a constitutional convention.

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