



Written by [Joe Wolverton, II, J.D.](#) on November 25, 2011

Latest Balanced Budget Amendment Proposal Fails in House

Under the terms of the Constitution, a constitutional amendment must be passed by a two-thirds majority vote in both houses of Congress and then be ratified by three-fourths of the states in order to become part of the Constitution. The vote in the House was 261 in favor and 165 opposed. That is 23 votes short of the necessary two-thirds.

In a statement issued by his office after the vote was taken, Speaker of the House John Boehner (R-Ohio) scolded the party across the aisle: "It's unfortunate that Democrats still don't recognize the urgency of stopping Washington's job-crushing spending binge."



Others were pleased with the outcome, however.

Gerald McEntee, head of the American Federation of State, County and Municipal Employees, rejoiced in the rejection, calling it "a win for working families." He praised Democrats in the House for boldly withstanding the attempt by supporters to pass a bill and "the deep cuts it would have made to Social Security, Medicare and Medicaid."

The breakdown of votes according to party affiliation was 161 Democrats voting against passage, 25 voting for it.

Among Republicans, 236 voted in the affirmative, with 4 voting "no." One of the four was the outspoken Chairman of the House Budget Committee, Paul Ryan (R-Wisc.). According to one [published report](#), "He opposed the plan because it didn't go far enough, he said in a statement. Ryan said he wanted provisions that would cap total government spending."

The measure was brought to the House as required in the agreement made in August raising the debt ceiling on the federal government's spending.

Since the ratification by the states of the Constitution of 1787, the document has had 27 amendments, the first 10 of which — the Bill of Rights — were introduced by James Madison and went into effect on December 15, 1791.

Historically, only 33 proposed amendments that have come up for a vote before Congress have received the requisite two-thirds vote in the House and Senate necessary before the issue is presented to the states.

According to [data published by the U.S. Senate](#), 11,372 measures have been proposed to amend the Constitution from 1789 through December 31, 2008.

Recently, only two amendments have been added to the Constitution. In 1992, the 27th Amendment was ratified by the states, some 202 years after it was originally passed by Congress. That amendment prohibits any law that increases or decreases the salary of members of the Congress from taking effect



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until the start of the next set of terms of office for Representatives.

The other amendment, the 26th, was adopted in 1971 and set the minimum voting age at 18.

One of those voting against passage of the proposed balanced budget amendment was Congressman Lloyd Dogget (D-Texas). From the floor of the House, Representative Dogget [declared](#): “A constitutional amendment is not a path to a balanced budget — it is only an excuse for members of this body failing to cast votes to achieve one.”

There is another aspect of the issue rarely discussed by members of Congress regardless of their position on the version of the balanced budget amendment being debated. The Constitution grants to the federal government very limited powers. Were those limits to be enforced by those who have sworn to uphold that document, then the budget would be balanced without the need to tinker with the Constitution.

Sadly, it is the American people who biennially return men and women to Congress who violate that sacred oath to the Constitution as soon as their hands are removed from the Bible. They vote for bill after bill expanding the size of the government, spending more and more money for programs, projects, and pork that are nowhere provided for in the applicable articles of the Constitution.

As elegantly explained in [an article published earlier this year](#) by *The New American*:

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!

The arguments made by the author of that article, Scott Bradley, are sound and irrefutable. The Constitution needs no amendment in order to empower it to restrain federal spending. The Constitution is not the problem; adherence to its provision is. If members of Congress, as well as their constituents, consistently and steadfastly demanded that every bill pass constitutional muster — every time, without exception — then the annual federal budget would perpetually be balanced as there is no authorization for the variety of financially burdensome boondoggles passed every day on Capitol Hill by those who’ve sworn to do otherwise.

Finally, there is the specter that those clamoring for ratification of a balanced budget amendment will be ultimately successful in their efforts to convene an Article V convention for just that purpose.

Article V sets forth the methods for altering the Constitution:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.



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Through the inclusion of Article V of the Constitution, the states retain their inherent right to alter the key terms of the agreement to which they were called to assent. Should the national government abuse the prerogatives with which it was endowed by the states themselves, then Article V preserves for those sovereigns the ability to reform any defects that facilitated federal overreaching.

Before the quill was lifted from the parchment of the Constitution, delegates were calling for a second convention. George Mason and Edmund Randolph of Virginia insisted that the defects in the Constitution could only be corrected through “a second general convention.” In fact, on August 31, 1787, George Mason was so frustrated by his fellow delegates’ resistance to the motion for a second constitutional convention that he dramatically declared that he “would rather chop off his right hand than put it to the Constitution as it now stands.”

Again and again, the minority of delegates keen on adjourning and reconvening under different circumstances were vexed by others who reckoned that, while not perfect, the Constitution offered for their ratification was “the best that the present views and circumstances of the country will permit; and is such a one as promises every species of security which a reasonable people can desire.”

Charles Pinckney of South Carolina answered his colleagues’ contention and descanted eloquently on the unforeseeable consequences of calling forth a new convention. “Conventions are serious things,” he warned, “and ought not to be repeated.” “Nothing but confusion and contrariety could spring from the experiment,” he continued.

As we see, then, the push for a second Constitutional Convention has its genesis in the final parturient hours before our Constitution was even born. The sentiment that the Constitution must be amended in order to treat the spending madness afflicting Congress makes for strange bedfellows, it seems. Democrats and Republicans are positioned to function as opposing blades of a pair of shears turning on a fulcrum of frustration. If this unholy alliance is successful, the convention they so earnestly seek may be the whetstone upon which enemies of our limited government hone those blades to an edge just sharp enough to shred the Constitution.



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