



Written by [Joe Wolverton, II, J.D.](#) on July 11, 2011

Senators Snowe, DeMint Declare All 47 Republican Senators Support Balanced Budget Amendment

Senators Snowe and DeMint mentioned no exceptions to the roster of Republican senatorial support for the controversial addition to the Constitution. In fact, all 47 Republican Senators are said to favor the erstwhile effort to restrain government and reduce spending.

“With our federal debt exceeding \$14 trillion — nearly 100 percent of our gross domestic product — fiscal calamity is jeopardizing our standard of living and undermining our national security,” the statement warned.

Even reliable friends of the Constitution such as Senators Rand Paul (R-Ky.) and Mike Lee (R-Utah) are [adding](#) their voices to the BBA chorus.



While other agreements to starve the bulging behemoth hulking along the shores of the Potomac may accomplish some transitory reduction, Senators DeMint and Snowe fear that a new Congress would just release the fetters and allow the beast to roam freely once again.

“Whatever agreement is reached, everyone will know that future congresses are not obligated to follow it,” they said.

The logic is impeccable, but not exclusive to any provisional spending bills that could be passed.

If the Constitution may be amended once to mandate Congress maintain a balance in the federal budget, may it not be further amended to undo such a requirement? The sale of alcohol was once forbidden by a constitutional amendment which was subsequently repealed. An amendment is not a foolproof method of making policy permanent. It is merely an undeniable way to tinker with a document that already explicitly prohibits runaway government spending by granting a very limited and expressly enumerated slate of powers to Congress.

What of these powers? Did the delegates to the Constitutional Convention of 1787 intend to arm Congress with an arsenal of weapons with which the very Republic could be destroyed? Unlikely. As evidence of the view of the Founders of the relative strength and scope of powers held by the states and the federal government, read the following [words](#) of the “Father of the Constitution,” James Madison:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.

Few and defined. Should that not be the rally cry of all those who oppose runaway federal spending rather than the constant clamor currently rattling through the Republican ranks for a balanced budget amendment?

Therein lies the rub, actually. Snowe, DeMint, and their colleagues may praise and promote a balanced



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budget amendment to the top of their lungs, but were they equally zealous in demanding rigid hewing to the few and defined powers given by the states to Congress, then altering the Constitution would be unnecessary.

But, there is evidence that the people have been convinced that the BBA is necessary. A recent [poll](#) conducted by Sachs/Mason-Dixon revealed that 65 percent of the public supported Snowe and DeMint's prescription for fiscal soundness.

Additional evidence of the popular support for the Balanced Budget Amendment is found in the history of the call for Article V constitutional conventions from various of the several states.

Plainly stated, Article V requires the Congress of the United States to call "a Convention for proposing Amendments" upon receipt of applications for such by two-thirds of the states. Then, any amendment proposed by such a convention becomes for "all Intents and Purposes ... part of this Constitution" if subsequently ratified by three-fourths of the states, either by state legislatures or by state conventions, as determined by Congress. To date, no such convention has been held.

However, between April 29, 1975 and January 29, 1980, 34 petitions from 30 different state legislatures were submitted to Congress on the subject of a Balanced Budget Amendment. The participating states were Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. Since 1980, two additional state legislatures have petitioned Congress for a convention for a Balanced Budget Amendment, bringing the total number of participating states to 32.

Despite this impressive number of states supposedly anxious to re-write the Constitution, there is absolutely no provision in Article V authorizing legislatures to limit the convention to specific topics. This is mere wishful thinking. There is no legally binding precedent that would control in such a matter. In fact, the Founders purposefully avoided granting such power to either the states or the federal legislature. As eloquently addressed by Walter E. Dellinger, "To permit the state legislatures to dictate to the convention the exact terms of its proposals is to short-circuit the carefully structured division of authority between state and national interests."

Our Constitution is the palladium of the viability of the coexistence of dual sovereignties. Any attempt (even a noble, well-intentioned one) to convene an Article V convention for the "sole purpose" of passing a balanced budget amendment would eviscerate the strength of the Constitution: the balance between state and federal authority.

What, then, is the solution to leading the ship of our state out of the treacherous financial straits into which our elected representatives have steered her? As with so many other such issues, the answer is found in the Constitution and in the cumulative and natural power "We, the People" have.

As voters, Americans may best encourage their representatives in the House of Representatives and the Senate to accomplish the worthwhile goal of slashing government spending by reminding them of the rigid walls erected around Congress in the form of enumerated powers and by unwaveringly demanding that all elected Representatives contain all their legislative efforts within those borders.



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