

# **Article V / Balanced Budget Amendment**

## **Frequently Asked Questions**

**Q.** Is it not true there is a chance this convention can run-a-way, propose any amendment it wants to.

**A.** No. There is no chance this convention can or will propose an amendment outside the subject of the call, a balanced budget amendment. None.

The applications from 2/3rds of the states all limit the subject and the subject of the applications becomes the charter for the convention. It is the only authority granted by the states.

The convening resolution by Congress will state the convention subject is limited to a balanced budget amendment. The convening resolution will likely include the following clause:

Congress places the Convention on notice that it will not advance to the States for ratification any proposed amendment which lies outside the subject of the applications received by Congress.

Since none of the conservative states want anything other than a limited convention and conservative states will control this convention, no other amendment will be discussed, period.

Most importantly, the eyes of the world will be on this convention. Everyone will know months and months in advance it is being called for only one subject.

It would take a majority of the delegates from a majority of the states, to plan in some clandestine manner in advance of the convention, to stand up in front of the American people, publicly violating their oath of office and betraying the instruction of their states to which they will return after the convention, to somehow manhandle another amendment through the convention, with millions of people watching them do so.

Upon returning home, having betrayed the trust placed upon their shoulders, these individuals will likely be publicly skinned or placed in "stocks" on the Capitol lawn.

It is absolutely inconceivable any other amendment would be considered.

**Q.** Our state's budget is largely dependent upon Federal money. We will have to raise taxes for pay for the cuts.

**A.** You assume first that there will be massive, draconian cuts and secondly, our Congressional delegation and that of other states will reduce the money to the states which pays mainly for implementation Federal programs.

First, there are several ways to create a balanced budget. One method would be to freeze spending increases, no cuts for say three years.

Additionally, there is not a person in this room who could not find \$100 billion in waste and fraud in federal spending. Congress has never been forced to do this review, it just borrows money.

Combined with 5% economic growth, the budget could be balanced in three or four years. That's one way.

Most importantly, if we do not force Congress to control spending and it continues to borrow as anticipated, there will indeed be a collapse of our economy and we will face problems much greater than whether Congress sends some money our way.

**Q.** Suddenly forcing Congress to balance its budget when this amendment goes into effect will cause a catastrophe.

**A.** We, the states will be writing the amendment. Everyone is aware balancing the budget cannot be lights on, lights off. The amendment will likely provide for a "wind down" period, 2, 3, 4 years of notice for it to go into effect, giving Congress time to adjust.

**Q.** Congress will just raise taxes to balance the budget.

**A.** If it were so easy to raise taxes, Congress would have done that instead of borrowing.

However, it is quite likely the amendment will include a clause making it difficult to raise taxes and fees. Frankly, a clause like that would accelerate the ratification process as the people will support it.

**Q.** Congress can borrow money much cheaper than we can. We should let them borrow the money.

**A.** Since the Federal Reserve loaned Congress over \$2 trillion over the last five years at virtually no interest and since the FED has been flooding our economy with low interest money, the interest rate charged is well below what it should be and cannot be sustained.

As of January 31, 2015, the average interest on our public debt was 1.9%. In 2007 it was 4.8%, in 1997 it was 7.2%.

Today, 87% of the public debt, about \$10 trillion, is now in short-term Treasury Notes and Bills. All of this debt will have to be "rolled over" within seven years, most of it within five years.

Last year at this time the Congressional Budget Office issued a statement that interest will have to rise to 5% to attract private sector investment.

If interest rises to 5%, the interest payment on the debt will be at least \$1 trillion in 2020. While it is cheap today, it will not be affordable tomorrow. We have to stop borrowing as soon as we possibly can.

**Q.** How are the delegates chosen?

**A.** By resolution, we the legislature will determine how many delegates we want to send to the convention, we will choose our delegates, and we will give them specific instruction. They are the agents of the legislature and we can and will control what they can do at the convention.

The delegates will from our delegation and the delegation can decide, if we do not instruct them otherwise, how the delegation will be organized at the convention.

**Q.** Congress does not obey the Constitution now, they will ignore this amendment.

**A.** Congress steadfastly obeys Article II of the Constitution which enables it to borrow money. The Balanced Budget Amendment will change that.

Many of the issues relative to obeying the Constitution are directed to the main body of the Constitution and the Bill of Rights, as they were written in the language of the time and left to interpretation by courts and others.

However, after the Bill of Rights, the amendments to the Constitution were written in very specific language. Amendments are honored. We do not have slavery, women can vote, you can drink a beer if you desire, and a President cannot serve for more than two terms. This amendment will be written in language which will not be ambiguous and will be honored.

**Q.** Congress will simply mandate spending obligations upon the states when it runs short of money.

**A.** When crafting the language for the amendment, if I were confronting this issue, I would suggest a clause which would prevent Congress from mandating upon the states spending for federal programs, as this would be a dodge by Congress to balance its budget for its programs.

**Q.** What if Congress simply ignores the 34 applications and does not convene the Convention?

**A.** Article V is clear that Congress SHALL convene the convention, it is obligatory.

Even so, a majority of this Congress wants a Balanced Budget Amendment and it knows Congress cannot get the 2/3rds required in the Senate. This Congress will convene the convention expeditiously.

**Q.** What if Congress tries to create some type of proportionate delegate representation, like the Electoral College.

**A.** First of all, Congress does not have that authority. Second, there has never been a convention of the states where there was proportionate representation and when the convention opens, it will be by state and the states can tell Congress to jump into the lake. Thirdly, this Congress is not going to vote to give California or New York any special representation at the convention.

**Q.** We don't know who is going to pay for this convention, how much it will cost.

**A.** The states will pay for the convention, but its cost will not be significant, mostly the cost of housing and travel for our delegation. If held at a capitol building, facility costs will be minimal.

States will compete to have the convention at their Capitol. It will be a major event with thousands of media and other groups traveling to the community renting 1,000s of hotel rooms and eating in local restaurants. State and local tourism councils will provide money for many of the ancillary costs of the convention just to get it to their community.

**Q.** What do you do with a delegate who tries to bring up or vote for another amendment?

**A.** First of all, each delegate is part of a delegation. The delegation should and will shut down the delegate. Even discussing another amendment will likely violate the specific instructions given to the delegate and such action could cause recall by the appointing authority.

Every delegate will have to provide credentials which verify the appointment and the appointing authority. Keep in mind, this is a convention of states, not a convention of delegates.

The resolution passed by the legislature will outline who can recall a delegate and why.

Proposing another amendment will be cause for recall. If the delegate or the entire delegation violates this rule, the appointing authority can notify the convention the credentials of the delegate(s) have been revoked. End of discussion.